



# Audit of the Department of Social Services' management of the National Redress Scheme

Submission to the  
Australian National Audit  
Office

3 June 2025

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# About Knowmore

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## 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 30 November 2024, Knowmore has received 156,580 calls to its 1800 telephone line and has completed intake processes for, and has assisted or is currently assisting, 20,610 clients. Almost 2 in 5 clients (39%) identify as Aboriginal and/or Torres Strait Islander peoples. About 1 in 8 clients (12%) 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

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As a nation-wide service assisting victims and survivors of child abuse, Knowmore has a deep appreciation of the importance of the National Redress Scheme (NRS), as well as a keen understanding of how the NRS can be improved.

Knowmore advocated for the establishment of an independent, national redress scheme during the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), noting the inadequacies of other legal options for many victims and survivors.<sup>1</sup> When the Australian Government proposed laws to establish a redress scheme in 2017 and 2018, Knowmore made detailed submissions to inform the design of the scheme.<sup>2</sup> Since the start of the NRS on 1 July 2018, we have consistently advocated for improvements to the NRS, including through 4 major reviews (see the discussion on pages 26 to 27). This includes the recent inquiry of the Australian Parliament's Joint Standing Committee on Implementation of the NRS (Joint Standing Committee), which led to the *Redress: Journey*

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<sup>1</sup> See, for example, Knowmore, *Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse: Issues Paper 6: Redress*, June 2014, p 1, <[www.knowmore.org.au/wp-content/uploads/2020/11/submission-issues-paper-6-redress-schemes-royal-commission.pdf](http://www.knowmore.org.au/wp-content/uploads/2020/11/submission-issues-paper-6-redress-schemes-royal-commission.pdf)>; Knowmore, *Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse: Issues Paper 7: Statutory Victims of Crime Schemes*, August 2014, p 2, <[www.knowmore.org.au/wp-content/uploads/2020/11/submission-issues-paper-7-statutory-victims-of-crime-compensation-schemes-royal-commission.pdf](http://www.knowmore.org.au/wp-content/uploads/2020/11/submission-issues-paper-7-statutory-victims-of-crime-compensation-schemes-royal-commission.pdf)>.

<sup>2</sup> Knowmore, *Submission on the National Redress Scheme for Institutional Child Sexual Abuse Bill 2018 and related bill*, 31 May 2018, p 1, <[www.knowmore.org.au/wp-content/uploads/2020/11/submission-national-redress-scheme-for-institutional-child-sexual-abuse-bill-2018-cth.pdf](http://www.knowmore.org.au/wp-content/uploads/2020/11/submission-national-redress-scheme-for-institutional-child-sexual-abuse-bill-2018-cth.pdf)>; Knowmore, *Submission on the Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017 and related bill*, 2 February 2018, p 3, <[www.knowmore.org.au/wp-content/uploads/2018/06/Commonwealth-Redress-Scheme-for-institutional-Child-Sexual-Abuse-Bill-and-other-bill-Submission.pdf](http://www.knowmore.org.au/wp-content/uploads/2018/06/Commonwealth-Redress-Scheme-for-institutional-Child-Sexual-Abuse-Bill-and-other-bill-Submission.pdf)>.

to *Justice* report in November 2024.<sup>3</sup> We note that the Joint Standing Committee's inquiry forms a significant part of the context for the present audit by the Australian National Audit Office (ANAO).<sup>4</sup>

We are now approaching the eighth year of the NRS, beginning on 1 July 2025. At this point, the NRS has provided redress to more than 18,700 victims and survivors.<sup>5</sup> While there have been significant reforms to the NRS since it started on 1 July 2018, the overall pace of reform has been slow, given the time-limited nature of the NRS as a 10-year scheme (see the discussion on pages 28 to 31 and pages 98 to 105). There are many recommendations outstanding from previous reviews of the NRS that, if implemented, would result in significant improvements to the NRS. While Knowmore broadly supports the recommendations made by previous reviews and does not wish to diminish the importance of any of these, we do not repeat all of the recommendations made by previous reviews in this submission.

Our recommendations in this submission reflect the focus of the present audit (see our general comments about the audit on pages 21 to 23). We have provided a list of these recommendations on pages 9 to 20.

Our submission proceeds in 4 parts:

- First, we make some general comments about the present audit and the NRS, relevant to our submission as a whole.
- Second, we make detailed comments about unfairness, inconsistency and lack of transparency in decisions made by the NRS, noting that these 'remain some of the most significant, ongoing and systemic shortcomings in the implementation of the NRS that

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<sup>3</sup> Joint Standing Committee on Implementation of the National Redress Scheme (Joint Standing Committee), *Redress: journey to justice*, November 2024, <[www.parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/RB000213/toc\\_pdf/RedressJourneytoJustice.pdf](http://www.parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/RB000213/toc_pdf/RedressJourneytoJustice.pdf)>.

<sup>4</sup> Joint Standing Committee, pp 20–21, paragraphs 1.98–1.100.

<sup>5</sup> National Redress Scheme, *May 2025*, 21 May 2025, <[www.nationalredress.gov.au/news/may-2025](http://www.nationalredress.gov.au/news/may-2025)>.

continue to have considerable adverse impacts on our clients and other survivors'.<sup>6</sup>

- Third, we provide responses to specific questions raised by the audit with respect to information about the NRS, the review process, the complaint process, and arrangements to monitor and report on the NRS.
- Fourth, we make comments about other matters relevant to the efficiency, effectiveness and fairness of the NRS.

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<sup>6</sup> Knowmore, *Submission to the Joint Standing Committee on Implementation of the National Redress Scheme* (Primary Submission to the Joint Standing Committee), 27 February 2023, p 16, <[www.knowmore.org.au/wp-content/uploads/2023/03/submission-joint-standing-committee-on-implementation-of-the-national-redress-scheme-cth.pdf](http://www.knowmore.org.au/wp-content/uploads/2023/03/submission-joint-standing-committee-on-implementation-of-the-national-redress-scheme-cth.pdf)>; Knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme: Seventh year of the National Redress Scheme*, 26 July 2024, p 13, <[www.knowmore.org.au/wp-content/uploads/2024/08/submission-joint-standing-committee-on-implementation-of-the-national-redress-scheme-seventh-year-cth.pdf](http://www.knowmore.org.au/wp-content/uploads/2024/08/submission-joint-standing-committee-on-implementation-of-the-national-redress-scheme-seventh-year-cth.pdf)>



## List of recommendations

### Recommendation 1

The Australian Government should lead work with the state and territory governments to implement recommendations made by previous reviews of the National Redress Scheme, noting that many of the recommendations are operational in nature or otherwise highlight opportunities to implement operational measures to improve the efficiency, effectiveness and fairness of the NRS.

### Recommendation 2

The Department of Social Services should publish periodic reports as to the implementation status of recommendations from previous reviews of the NRS. These reports should include, for each recommendation that has been supported or supported in principle by the Australian Government:

- whether the Department of Social Services considers the recommendation to be fully implemented
- specific steps taken to implement the recommendation
- whether there are further steps planned to implement the recommendation.

### Recommendation 3

The NRS should make greater use of existing authorisations within the protected information provisions in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* to provide significantly more information to victims and survivors, including adequate reasons for the withholding of information if there remains some information that cannot be disclosed.

#### **Recommendation 4**

The National Redress Scheme should provide reasons for a decision to withhold information from a victim/survivor and a process for victims and survivors to seek review of such decisions, as an operational measure to improve the National Redress Scheme's approach to protected information.

#### **Recommendation 5**

The NRS should produce public education materials that more clearly explain and demonstrate how the Assessment Framework is applied to redress applications by NRS decision-makers (consistent with recommendation 5 of the second interim report of the former Joint Select Committee).

#### **Recommendation 6**

The National Redress Scheme should make publicly available its policy guidance material about child sexual abuse in medical settings.

#### **Recommendation 7**

The National Redress Scheme should make publicly available any policy, process or practice material that decision-makers consider in deciding whether to make an advance payment.

### Recommendation 8

The National Redress Scheme should ensure that:

- the provisions of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* are interpreted and applied in a manner that ensures procedural fairness for victims and survivors, and
- the National Redress Scheme's quality assurance framework ensures that victims and survivors are consistently provided procedural fairness in both first instance decisions and internal review processes.

### Recommendation 9

The Department of Social Services should ensure the full and urgent implementation of recommendation 3.10 of the second year review, including by ensuring that victims and survivors are informed in writing of the name of Independent Decision Maker responsible for their redress decision and by ensuring that Independent Decision Makers consistently provide detailed information to justify their decisions.

### Recommendation 10

The Australian Government should publicly disclose and report on:

- how many redress applications have named:
  - an institution that has refused to join the Scheme
  - an institution that has refused to join the Scheme for longer than 12 months, and
- the names of those institutions (as per recommendation 12 of the Joint Standing Committee).

### **Recommendation 11**

There should be continuing penalties for institutions responsible for child sexual abuse that do not join the NRS before 1 July 2028. The Australian Government should publicise its approach to these penalties before 1 July 2028 (consistent with recommendation 13 of the Joint Standing Committee). The relevant penalties should include an ongoing listing of the institution's name on a public register, and ongoing ineligibility for charitable status and government contracts.

### **Recommendation 12**

The National Redress Scheme's quality assurance framework should be detailed in a comprehensive, publicly available document, and should seek to ensure a survivor-focused, trauma-informed and culturally safe approach to all decisions made by the NRS. It should (among other things):

- ensure that victims and survivors are consistently provided with procedural fairness in both first instance decisions and internal review processes
- ensure that victims and survivors are consistently provided with adequate written reasons for redress determinations, both at first instance and in internal review processes.

### **Recommendation 13**

The Department of Social Services should ensure the full and urgent implementation of recommendation 3.9 of the second year review, including by 'creating the position of a Chief Independent Decision Maker to provide a systemic focus on Scheme integrity, quality assurance and consistency in decision-making'. The Chief Independent Decision Maker should have a role in working with Knowmore and Redress Support Services to address systemic issues with decision-making by the NRS, such as those detailed in this submission. The Department of Social Services should ensure it is publicly available information who the Chief Independent Decision Maker is.

### **Recommendation 14**

As an interim measure to establishing a Chief Independent Decision Maker, the Department of Social Services should make publicly available who the 5 Chief Independent Decision Makers are.

### **Recommendation 15**

The Department of Social Services should urgently implement recommendations 4 and 11 of the Joint Standing Committee, including 'urgently undertak[ing] a public information campaign to increase awareness of the National Redress Scheme and redress support services'.

### **Recommendation 16**

Knowmore recommends that the Department of Social Services and the National Redress Scheme ensure that adequate information about the NRS is provided in forms accessible to victims and survivors who experience heightened marginalisation, including by implementing recommendations 5 and 6 of the Joint Standing Committee. This should include:

- using plainer language and presentation
- providing information in languages other than English and in a variety of accessible formats
- adjusting communication style according to the victim/survivor's needs.

### **Recommendation 17**

The National Redress Scheme should review its approach to the revocation and internal review processes to ensure consistency with the legal framework for the National Redress Scheme and a survivor-focused approach.

### **Recommendation 18**

The National Redress Scheme should adopt a formal practice to:

- allow a victim/survivor, in all circumstances, to withdraw an application for internal review that would otherwise result in a redress payment being reduced
- ensure there is no adverse impact for a victim/survivor if they choose not to provide new information in response to a request from the NRS as part of the internal review process.

This formal practice should be clearly articulated in publicly available material.

### **Recommendation 19**

The Australian Government should implement further improvements to the National Redress Scheme's complaint process (consistent with recommendation 6.11 of the second year review).

These improvements should prioritise matters identified by previous reviews of the NRS, including:

- effectively resolving concerns
- responding empathetically and with a survivor-focus
- learning from complaints in order to address root causes systemically.

### **Recommendation 20**

The Department of Social Services immediately prioritise planning for the legislated deadline for redress applications and the legislated end of the National Redress Scheme. This planning should take place via a transparent process, and should be in partnership with victims, survivors and support services, including Knowmore and the Redress Support Services.

### **Recommendation 21**

The Australian Government should 'seek agreement from state and territory governments to extend the National Redress Scheme beyond 2028' (as per recommendation 1 of the Joint Standing Committee). In particular:

- the deadline for applications to the NRS should be extended by an initial period of at least 12 months, with consideration given to further extensions if needed, and
- the end of the NRS should be extended to reflect the actual processing times for redress applications, noting that an average processing time of 17.6 months indicates that many applications take even longer than this.

### **Recommendation 22**

The Australian Government should work with state and territory governments on a national framework for redress and/or reparation schemes. This should include developing knowledge around best practices, scheme design and administration (consistent with recommendation 29 of the Joint Standing Committee).

Developing a national framework for redress and/or reparation schemes should form part of planning for the legislated end of the NRS (see recommendation 20). As with planning for the end of the NRS broadly, developing a national framework for redress and/or reparation schemes should take place via a transparent process and should be in partnership with victims, survivors and support services, including Knowmore and the Redress Support Services.



### **Recommendation 23**

The National Redress Scheme should adopt a formal practice of consulting with victims and survivors, and obtaining their genuine and informed consent, before disclosing their information. In exceptional circumstances where the law requires information to be disclosed, the National Redress Scheme should handle the disclosure in a trauma-informed way that minimises the impacts on the victim/survivor. For example, the National Redress Scheme should take reasonable steps to:

- inform the victim/survivor of what information must be disclosed, who it must be disclosed to and why
- allow the victim/survivor to disclose the information themselves, if this is practicable and the victim/survivor wishes to do so.

This formal practice should be clearly articulated in publicly available material.

## Recommendation 24

The National Redress Scheme should adopt a formal practice of taking reasonable steps to ensure that institutions comply with the protected information provisions of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* in relation to victims' and survivors' information, and do not otherwise breach the confidentiality and privacy of victims and survivors. Taking reasonable steps should include:

- educating institutions about their responsibilities in relation to victims' and survivors' information under the protected information provisions of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* and other relevant laws, such as the *Privacy Act 1988*
- if a breach of confidentiality or privacy occurs:
  - promptly informing the victim/survivor
  - consulting with the victim/survivor as to how the victim/survivor wishes for the National Redress Scheme to address the breach
  - obtaining the victim/survivor's genuine and informed consent as to what steps the National Redress Scheme will take to address the breach
  - referring the breach to the relevant authorities, or assisting the victim/survivor to refer the breach to the relevant authorities themselves, if this is how the victim/survivor wishes for the National Redress Scheme to address the breach.

This formal practice should be clearly articulated in publicly available material.

### **Recommendation 25**

The Department of Social Services should play a significant role in progressing a coordinated, national response to claim farming in relation to the National Redress Scheme. In doing this, the Department of Social Services should coordinate with the Attorney-General's Department, noting the work of the Standing Council of Attorneys-General to address claim farming and related practices.

### **Recommendation 26**

To the extent permitted by law, the Department of Social Services and/or the National Redress Scheme should urgently implement recommendations of the Joint Standing Committee and the former Joint Select Committee to address claim farming and related practices in relation to the National Redress Scheme. This should include operationally implementing recommendations to establish:

- a set of expected practice standards for lawyers and survivor advocates providing services with respect to National Redress Scheme applications, and
- a specific complaints process within the National Redress Scheme, separate from anti-fraud processes, to deal with concerns about the conduct of lawyers and representatives from survivor advocacy businesses.

### **Recommendation 27**

The Australian Government should provide secure and adequate funding for survivor support services, including Knowmore and the Redress Support Services, so that we can continue to provide victims and survivors with the support they need. In particular, Knowmore's funding agreements related to the National Redress Scheme must match the demand for our services, and ensure that victims and survivors have access to free and independent legal and related support until the conclusion of their redress matters.

### **Recommendation 28**

As part of planning for the legislated end of the National Redress Scheme, the Australian Government must ensure that victims and survivors have ongoing access to meaningful redress and justice-making options (see recommendation 20). This must include ongoing access to the legal and related support needed to effectively navigate redress and justice-making options.

# General comments about the audit and the National Redress Scheme

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We make some general comments below about the present audit and the NRS, relevant to our submission as a whole.

## General comments about the audit

We note that the objective of the present audit is to assess the efficiency and effectiveness of the Department of Social Services' administration of the NRS and that:

The ANAO does not have a role in commenting on the merits of government policy but focuses on assessing the efficient and effective implementation of government programs, including the achievement of their intended benefits.<sup>7</sup>

In Knowmore's view, the proper basis for considering efficiency and effectiveness in the context of the NRS is the objects and general principles of the NRS's governing legislation, the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (NRS Act). Section 3 of the NRS Act outlines detailed objects of the Act and identifies the main objects of the Act:

- 'to recognise and alleviate the impact of past institutional child sexual abuse and related abuse'
- 'to provide justice for the survivors of that abuse'.<sup>8</sup>

These main objects of the NRS Act require that efficiency and effectiveness be assessed with regard to the fairness of the NRS in delivering redress to

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<sup>7</sup> Australian National Audit Office, *Department of Social Services' management of the National Redress Scheme*, accessed 6 May 2025, <[www.anao.gov.au/work/performance-audit/departments-of-social-services-management-of-the-national-redress-scheme](http://www.anao.gov.au/work/performance-audit/departments-of-social-services-management-of-the-national-redress-scheme)>.

<sup>8</sup> *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) (NRS Act), section 3(1).

survivors of institutional child sexual abuse. Section 10 of the NRS Act elaborates on the main objects with general principles for the NRS. In summary, these general principles are:

- survivor-focused redress
- trauma-informed and culturally appropriate redress
- regard for the needs of survivors who are experiencing particular vulnerability
- avoiding further harm or re-traumatisation
- protecting the integrity of the NRS.

We note that the NRS's main objects and general principles are broadly consistent with the guiding principles for providing redress identified by the Royal Commission.<sup>9</sup> They are also similar to the principles in the NRS's Service Charter, which sets out the NRS's commitments for supporting survivors at each stage of their redress journey:

- Survivor-centred: 'We respect your rights and self-agency to make your own decisions'
- Supportive and safe: 'We support your individual needs and treat your story with care and confidentiality'
- Inclusive and accessible: 'We explain what things mean in simple and clear language. We make sure you can engage with us and in the process'
- Transparent and accountable: 'We are open and honest about what you can expect from us and whether we are meeting our commitments'<sup>10</sup>

In Knowmore's view, these are also sound principles to have regard to when considering efficiency, effectiveness and fairness in the context of the NRS.

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<sup>9</sup> Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), *Redress and civil litigation report*, September 2015, pp 95 and 135, recommendations 1 and 4, <[www.childabuseroyalcommission.gov.au/redress-and-civil-litigation](http://www.childabuseroyalcommission.gov.au/redress-and-civil-litigation)>.

<sup>10</sup> National Redress Scheme, *Service Charter for your National Redress Scheme*, 28 June 2024, p 7, <[www.nationalredress.gov.au/sites/default/files/documents/2024-06/Service%20Charter%20for%20your%20National%20Redress%20Scheme%20-%20Service%20Charter%20Report%2026052023.pdf](http://www.nationalredress.gov.au/sites/default/files/documents/2024-06/Service%20Charter%20for%20your%20National%20Redress%20Scheme%20-%20Service%20Charter%20Report%2026052023.pdf)>.

Due to significant, ongoing problems with the transparency of the NRS (see the discussion on pages 32 to 72), it is often difficult for us to determine the precise cause of problems with the NRS's efficiency, effectiveness and fairness. For example, it is not always clear to us when a problem has been caused by a legislative or policy requirement, and when a problem has been caused by an exercise of discretion by the Department of Social Services or the NRS. We hope that the present audit will help to clarify matters of this nature.

Similarly, protected information provisions of the NRS Act limit what information we can provide to the ANAO, even with the consent of our clients. We note the adverse effect of these provisions on advocacy to improve the NRS (see the discussion on pages 36 to 42).

What we see clearly, and seek to highlight in this submission, is the impact of problems with the NRS on our clients – victims and survivors who experience further harm and re-traumatisation in seeking redress for the institutional child sexual abuse perpetrated against them. While these problems affect survivors of institutional child sexual abuse in general, they also disproportionately affect survivors who experience heightened marginalisation. For example, the Joint Standing Committee detailed the disproportionate impact of problems with the NRS on First Nations survivors,<sup>11</sup> survivors with disability<sup>12</sup> and care leavers.<sup>13</sup>

We note that concerns about unfairness, inconsistency and lack of transparency in redress decisions form a significant part of the context for the present audit.<sup>14</sup> We make further comments about this on pages 32 to 72.

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<sup>11</sup> Joint Standing Committee, pp 119–126.

<sup>12</sup> Joint Standing Committee, pp 127–134.

<sup>13</sup> Joint Standing Committee, pp 135–140.

<sup>14</sup> Joint Standing Committee, pp 16–21, paragraphs 1.77–1.101 and pp 25–26, paragraphs 1.128–1.134.

## General comments about the National Redress Scheme

We make general comments below about the NRS, including comments about previous reviews of the NRS and the current status of reforms to the NRS.

### About the National Redress Scheme

Australian governments established the NRS in 2018, in response to recommendations of the Royal Commission. In explaining the need for redress, the Royal Commission noted the severe impacts of child sexual abuse, and concluded that civil litigation was not a feasible option for many victims and survivors of institutional child sexual abuse.<sup>15</sup> Holding institutions accountable for child sexual abuse was an important feature of the NRS's design.<sup>16</sup> In relation to governments, the Royal Commission added:

*Governments may also have an additional level of responsibility because of their roles as regulators of institutions and government policies that encouraged or required the placement of children in institutions.<sup>17</sup>*

The NRS generally offers eligible victims and survivors:

- a redress payment of up to \$150,000 depending on the type of abuse experienced – the average payment is about \$89,000 with some victims and survivors receiving a higher payment, and some victims and survivors receiving a lower payment<sup>18</sup>
- counselling and psychological care, and
- a direct personal response (that is, an apology or other recognition) from the institution(s) responsible for the abuse.

Survivors of institutional child sexual abuse require legal and related support services to effectively navigate and access their redress and compensation options, including under the NRS. We make further

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<sup>15</sup> Royal Commission, *Redress and civil litigation report*, pp 91–92.

<sup>16</sup> Royal Commission, *Redress and civil litigation report*, p 248.

<sup>17</sup> Royal Commission, *Redress and civil litigation report*, p 248.

<sup>18</sup> Joint Standing Committee, p 17, paragraph 1.18.



comments about the importance of legal and related support for survivors on pages 121 to 130.

Although the governing legislation for the NRS is a federal law, all state and territory governments have important roles in relation to the NRS, including a governance role as parties to the intergovernmental agreement underlying the NRS.<sup>19</sup> In other words, all Australian governments have responsibility for the efficiency, effectiveness and fairness of the NRS.<sup>20</sup>

For many victims and survivors, the redress they have received from the NRS has been life-changing. Our clients frequently tell us that their redress outcomes have helped to address the impacts of the child sexual abuse perpetrated against them. For example, some of our clients have used their redress payments to establish a stable housing situation, in turn providing them with the security to pursue education or employment opportunities. Many of our clients have also benefitted from the counselling and psychological care component of redress, experiencing improved mental health and relationships, with positive flow-on effects across their lives. These outcomes clearly have important benefits – for victims and survivors, their families, governments, and people and communities in Australia broadly.<sup>21</sup>

Despite this, there remain significant problems with the NRS that are preventing it from consistently delivering redress in a way that is efficient, effective and fair, having regard to the objects and principles of the NRS Act (see the discussion on pages 21 to 23). We know this from our

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<sup>19</sup> *Intergovernmental Agreement on the National Redress Scheme for Institutional Child Sexual Abuse*, accessed 30 May 2025,

<[www.federation.gov.au/about/agreements/intergovernmental-agreement-national-redress-scheme-institutional-child-sexual](http://www.federation.gov.au/about/agreements/intergovernmental-agreement-national-redress-scheme-institutional-child-sexual)>.

<sup>20</sup> We note the important role of the Minister for Social Services in contributing to this work through the Ministers' Redress Scheme Governance Board. See, for example, Department of Social Services, *Ministers' Redress Scheme Governance Board Communique*, 6 December 2024, <[www.dss.gov.au/news/ministers-redress-scheme-governance-board-communique-5](http://www.dss.gov.au/news/ministers-redress-scheme-governance-board-communique-5)>.

<sup>21</sup> This is consistent with the Royal Commission's observations about the ripple effects of child sexual abuse. See Royal Commission, *Final report: volume 3, impacts*, 15 December 2017, pp 202–234, <[www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_volume\\_3\\_impacts.pdf](http://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_3_impacts.pdf)>.

experience assisting victims and survivors to navigate the NRS. The issues have also been highlighted extensively by previous reviews of the NRS.

## Previous reviews of the National Redress Scheme

As noted on page 6, there have been 4 major reviews of the NRS in the past 7 years. This is illustrated by the table below.

**Table: Major reviews of the National Redress Scheme in the past 7 years**

Review	Report(s)
Inquiry of the former Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission	<ul style="list-style-type: none"> <li>Final report published in April 2019<sup>22</sup></li> </ul>
Inquiry of the former Joint Select Committee on Implementation of the NRS (former Joint Select Committee)	<ul style="list-style-type: none"> <li>First interim report published in May 2020<sup>23</sup> and second interim report published in November 2021<sup>24</sup></li> </ul>
Second year review of the NRS conducted by independent reviewer Ms Robyn Kruk AO (second year review)	<ul style="list-style-type: none"> <li>Final report published in June 2021<sup>25</sup></li> </ul>

<sup>22</sup> Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, *Getting the National Redress Scheme right: An overdue step towards justice*, April 2019, <[www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Royal\\_Commission\\_into\\_Institutional\\_Responses\\_to\\_Child\\_Sexual\\_Abuse/RoyalCommissionChildAbuse/Report](http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Royal_Commission_into_Institutional_Responses_to_Child_Sexual_Abuse/RoyalCommissionChildAbuse/Report)>.

<sup>23</sup> Joint Select Committee on Implementation of the National Redress Scheme (Joint Select Committee), *First interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, May 2020, <[www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Former\\_Committees/National\\_Redress\\_Scheme/NationalRedressScheme/Interim\\_Report](http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Former_Committees/National_Redress_Scheme/NationalRedressScheme/Interim_Report)>.

<sup>24</sup> Joint Select Committee, *Second interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, November 2021, <[www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Former\\_Committees/National\\_Redress\\_Scheme/NationalRedressScheme/Second\\_Interim\\_Report](http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Former_Committees/National_Redress_Scheme/NationalRedressScheme/Second_Interim_Report)>.

<sup>25</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, 26 March 2021, <[www.nationalredress.gov.au/sites/default/files/documents/2024-08/final-report-second-year-review-national-redress-scheme.pdf](http://www.nationalredress.gov.au/sites/default/files/documents/2024-08/final-report-second-year-review-national-redress-scheme.pdf)>.

Review	Report(s)
Inquiry of the Joint Standing Committee on Implementation of the NRS (Joint Standing Committee)	<ul style="list-style-type: none"> <li>Final report published in November 2024<sup>26</sup></li> </ul>

There are many recommendations outstanding from these reviews that, if implemented, would result in significant improvements to the NRS. We acknowledge that many of these recommendations require legislative reform and are therefore not a focus of the present audit (see our general comments about the audit on pages 21 to 23). However, many of the recommendations outstanding from previous reviews are operational in nature. Further, many of the recommendations highlight opportunities to implement operational measures to improve the efficiency, effectiveness and fairness of the NRS, with or without legislative reform.

Knowmore broadly supports the recommendations made by previous reviews of the NRS. We consider that the Australian Government should lead work with the state and territory governments to implement these recommendations.

### Recommendation 1

The Australian Government should lead work with the state and territory governments to implement recommendations made by previous reviews of the National Redress Scheme, noting that many of the recommendations are operational in nature or otherwise highlight opportunities to implement operational measures to improve the efficiency, effectiveness and fairness of the NRS.

<sup>26</sup> Joint Standing Committee on Implementation of the National Redress Scheme, *Redress: journey to justice*, November 2024, <[www.parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/RB000213/toc\\_pdf/RedressJourneytoJustice.pdf](http://www.parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/RB000213/toc_pdf/RedressJourneytoJustice.pdf)>.

## Current status of reforms to the National Redress Scheme

The Australian Government has made significant reforms to the NRS in response to the second year review.<sup>27</sup> Many of these reforms were implemented through amendments to the NRS Act,<sup>28</sup> which passed the Australian Parliament on 20 March 2024<sup>29</sup> and partly commenced on 4 April 2024.<sup>30</sup> The rest of the amendments commenced in late September 2024.<sup>31</sup>

Knowmore made detailed comments about these amendments in a supplementary submission to the Joint Standing Committee in July 2024.<sup>32</sup> In summary, we supported many of the amendments to the NRS Act, which we described as ‘important steps towards improving survivors’ experience of seeking redress’.<sup>33</sup> However, we also expressed some concerns about the amendments, including that they left much unfinished business from the previous reviews of the NRS.<sup>34</sup>

In particular, we repeated comments that we had made 16 months earlier about our clients’ experience of ‘review fatigue’:

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<sup>27</sup> Australian Government, *The Australian Government response to the Final Report of the Second Year Review of the National Redress Scheme*, May 2023, <[www.nationalredress.gov.au/sites/default/files/documents/2024-08/australian-government-response-second-year-review-national-redress-scheme\\_0.pdf](http://www.nationalredress.gov.au/sites/default/files/documents/2024-08/australian-government-response-second-year-review-national-redress-scheme_0.pdf)>.

<sup>28</sup> *National Redress Scheme for Institutional Child Sexual Abuse Amendment Act 2024* (Cth) (NRS Amendment Act).

<sup>29</sup> Australian Parliament, *National Redress Scheme for Institutional Child Sexual Abuse Amendment Bill 2023*, accessed 5 May 2025, <[www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bld=r7106](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r7106)>.

<sup>30</sup> NRS Amendment Act, section 2(1).

<sup>31</sup> NRS Amendment Act, section 2(1).

<sup>32</sup> Knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme: Seventh year of the National Redress Scheme*, pp 10–40.

<sup>33</sup> Knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme: Seventh year of the National Redress Scheme*, p 11.

<sup>34</sup> Knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme: Seventh year of the National Redress Scheme*, p 11.

*We are hearing from our clients a sense of ‘review fatigue’ and frustration about the lack of meaningful improvements ... Many survivors continue to wait for reforms to enable them to receive redress ... In our experience, survivors feel that many important recommendations for improvement have been made, and meaningful action is now long overdue.*<sup>35</sup>

In many respects and for many survivors, this statement remains true and is worsened by the fact that a further 10 months have now passed with many sound recommendations remaining unimplemented or not having been fully implemented. The Joint Standing Committee recognised that ‘in general, improvements to the Scheme are happening too slowly to be of greatest benefit to survivors’.<sup>36</sup> Given the time-limited nature of the NRS, with the legislated deadline for redress applications on 30 June 2027 and the legislated end of the NRS on 1 July 2028 (see further discussion on pages 98 to 105), we are concerned that the clock is ticking on many vital reforms.

The recommendations that have not been fully implemented include recommendations that the Australian Government expressed support for in May 2023 in its final response to the second year review (see, for example, pages 70 to 72 and pages 82 to 85 below). The Australian Government has also said it supports recommendations where, due to ongoing issues with transparency, it is not clear if and how the recommendations have been fully implemented. These include recommendations to:

- strengthen consistency and integrity in decision-making<sup>37</sup>
- improve redress for victims and survivors who experienced child sexual abuse in a medical setting<sup>38</sup>

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<sup>35</sup> Knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme: Seventh year of the National Redress Scheme*, p 11; Knowmore, *Primary Submission to the Joint Standing Committee*, p 15.

<sup>36</sup> Joint Standing Committee, p 6, paragraph 1.22.

<sup>37</sup> Australian Government, *The Australian Government response to the Final Report of the Second Year Review of the National Redress Scheme*, pp 10–11 and 14.

<sup>38</sup> Australian Government, *The Australian Government response to the Final Report of the Second Year Review of the National Redress Scheme*, p 7.

- improve the treatment of prior payments received by victims and survivors, including Stolen Generations payments<sup>39</sup>
- improve counselling support<sup>40</sup>
- improve direct personal responses.<sup>41</sup>

Our clients continue to face barriers to accessing redress and to experience harm and re-traumatisation as a result of inadequate action on these recommendations and others. We also note that the Australian Government has not yet provided a formal response to the Joint Standing Committee's report from November 2024.<sup>42</sup>

In Knowmore's view, there would be significant benefits to providing greater transparency as to the implementation status of recommendations from previous reviews of the NRS. This would be respectful of the victims and survivors who contributed to the previous reviews, hoping that the review processes would lead to change. It would also assist us to better understand the cause of problems with the NRS that impact upon our clients (see the discussion on pages 21 to 23) and to more effectively contribute to resolving such problems, both for individual clients and systemically.

We recommend that the Department of Social Services publish periodic reports as to the implementation status of recommendations from previous reviews of the NRS. These reports should include, for each recommendation that has been supported or supported in principle by the Australian Government:

- whether the Department of Social Services considers the recommendation to be fully implemented
- specific steps taken to implement the recommendation

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<sup>39</sup> Australian Government, *The Australian Government response to the Final Report of the Second Year Review of the National Redress Scheme*, p 14.

<sup>40</sup> Australian Government, *The Australian Government response to the Final Report of the Second Year Review of the National Redress Scheme*, p 17.

<sup>41</sup> Australian Government, *The Australian Government response to the Final Report of the Second Year Review of the National Redress Scheme*, p 18.

<sup>42</sup> See Australian Parliament (Joint Standing Committee), *Government Response*, accessed 2 June 2025,

<[www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/National\\_Redress\\_Scheme\\_Standing/Redress47/Government\\_Response](http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Redress_Scheme_Standing/Redress47/Government_Response)>.

- whether there are further steps planned to implement the recommendation.

### **Recommendation 2**

The Department of Social Services should publish periodic reports as to the implementation status of recommendations from previous reviews of the NRS. These reports should include, for each recommendation that has been supported or supported in principle by the Australian Government:

- whether the Department of Social Services considers the recommendation to be fully implemented
- specific steps taken to implement the recommendation
- whether there are further steps planned to implement the recommendation.

# Unfairness, inconsistency and lack of transparency in decisions made by the National Redress Scheme

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We note that the Joint Standing Committee expressed concerns about unfairness, inconsistency and lack of transparency in redress decisions,<sup>43</sup> and that these concerns form a significant part of the context for the present audit.<sup>44</sup> The Joint Standing Committee stated:

*Parliamentary committees are not equipped for fieldwork tasks, such as reviewing consistency among a representative sample of redress outcomes and searching through computer files. The Parliament relies upon the independent Australian National Audit Office to do this work on our behalf.*<sup>45</sup>

The Joint Standing Committee also recognised:

*The Scheme's legislated objectives include providing justice to abuse survivors. Inconsistent or unfair outcomes do not meet this objective. Unless doubts about consistency and fairness can be transparently resolved, confidence in the Scheme (and the Royal Commission's vision) is likely to be eroded. This issue should be a high priority for the Scheme.*<sup>46</sup>

Knowmore welcomes the focus on addressing persistent unfairness, inconsistency and lack of transparency in redress decisions. We have raised these issues in every major review of the NRS (see the discussion

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<sup>43</sup> Joint Standing Committee, pp 6–7, 19–21, 93–94 and 192.

<sup>44</sup> Joint Standing Committee, pp 20–21, paragraphs 1.98–1.100.

<sup>45</sup> Joint Standing Committee, p 20, paragraph 1.98.

<sup>46</sup> Joint Standing Committee, p 19, paragraph 1.91.



about previous reviews of the NRS on pages 26 to 27),<sup>47</sup> but have not seen adequate reforms to effectively address these issues.

We make general comments about unfairness, inconsistency and lack of transparency in redress decisions below. We then make specific comments about the following matters relevant to unfairness, inconsistency and lack of transparency:

- the NRS's approach to the protected information provisions
- the lack of transparency about key policies, processes and practices affecting redress decisions
- unfairness and inconsistency in the approach taken by NRS decision-makers in relation to key concepts in the legal framework for the NRS
- the lack of procedural fairness for victims and survivors in redress decision-making
- the lack of adequate written reasons for redress decisions
- unfairness, inconsistency and lack of transparency in relation to non-participating institutions
- the lack of an adequate quality assurance framework for the NRS.

We also make comments about unfairness, inconsistency and lack of transparency in the review process for decisions made by the NRS on pages 78 to 86 in response to a specific question raised by the audit.

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<sup>47</sup> Knowmore, *Submission to the Joint Select Committee: Inquiry into the implementation of the redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse*, August 2018, pp 8-10, <[www.knowmore.org.au/wp-content/uploads/2020/11/submission-implementation-of-redress-related-recommendations-of-the-royal-commission-cth.pdf](http://www.knowmore.org.au/wp-content/uploads/2020/11/submission-implementation-of-redress-related-recommendations-of-the-royal-commission-cth.pdf)>; Knowmore, *Submission to the Joint Select Committee on Implementation of the National Redress Scheme*, 28 April 2020, pp 11-15, <[www.knowmore.org.au/wp-content/uploads/2020/11/submission-joint-select-committee-on-implementation-of-the-national-redress-scheme-cth.pdf](http://www.knowmore.org.au/wp-content/uploads/2020/11/submission-joint-select-committee-on-implementation-of-the-national-redress-scheme-cth.pdf)>; Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, 30 September 2020, pp 20-41, <[www.knowmore.org.au/wp-content/uploads/2020/11/submission-second-anniversary-review-of-the-national-redress-scheme-cth.pdf](http://www.knowmore.org.au/wp-content/uploads/2020/11/submission-second-anniversary-review-of-the-national-redress-scheme-cth.pdf)>; Knowmore, *Primary Submission to the Joint Standing Committee*, pp 16-19.

## General comments about unfairness, inconsistency and lack of transparency in redress decisions

Every major review of the NRS has noted concerns about unfairness, inconsistency and/or lack of transparency in redress decisions.<sup>48</sup> As we said in our submissions to the Joint Standing Committee in February 2023 and July 2024, persistent unfairness, inconsistency and lack of transparency ‘remain some of the most significant, ongoing and systemic shortcomings in the implementation of the NRS that continue to have considerable adverse impacts on our clients and other survivors’.<sup>49</sup> We have observed limited improvement in these aspects of the NRS since making our submissions to the Joint Standing Committee.

The issues of unfairness, inconsistency and lack of transparency in redress decisions are interconnected. As highlighted by our comments on page 23, a general lack of transparency with the NRS often makes it difficult for us to determine the precise cause of problems, such as when a problem has been caused by a legislative or policy requirement, and when a problem has been caused by an exercise of discretion. We often experience this difficulty in relation to unfair or inconsistent decisions, raising further difficulties for us in understanding the basis of many decisions, and in addressing both individual and systemic issues.

We have previously highlighted the impact on survivors of unfairness, inconsistency and lack of transparency in redress decisions. For example, in our submission to the second year review, we stated:

*These problems risk undermining a survivor’s trust and confidence in the decision-making process and their ability to understand how or why a decision has been made. It is not uncommon for a survivor to*

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<sup>48</sup> Joint Standing Committee, pp 7 and 19; Joint Select Committee, *Second interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, pp 11, 39 and 43; R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p75, 90 and 117; Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, *Getting the National Redress Scheme right: An overdue step towards justice*, pp xvii, 73 and 141.

<sup>49</sup> Knowmore, *Primary Submission to the Joint Standing Committee*, p 16; Knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme: Seventh year of the National Redress Scheme*, p 13.

*experience these problems cumulatively. For some, it has impacted their overall perception of the redress process and whether the decision they received was fair, making it difficult to accept the outcome and progress their healing. For others, it has perpetuated the power imbalance they have frequently experienced when engaging with institutions.*

*In some instances, a lack of transparency and procedural fairness in the decision-making process may also raise concerns about the correctness of a determination. These same shortcomings may prevent survivors from rectifying any error in the decision. For example, without an understanding of the policy framework underpinning the decision and/or the reasons for the decision, it is difficult for survivors to make an informed choice about whether to exercise their right to seek an internal review.<sup>50</sup>*

In our experience, unfairness, inconsistency and lack of transparency in redress decisions have particularly adverse impacts within communities of survivors who experienced abuse within the same institution, but receive different redress outcomes. This can be very difficult for survivors to reconcile and can leave survivors feeling deeply upset about the unfairness of the NRS and their inability to obtain what they consider to be proper recognition of their abuse. We often see issues of this nature impacting on care leavers and Stolen Generations survivors.

In our submissions to the Joint Standing Committee, we recommended that the Australian Government, working with state and territory governments, should ensure the full and urgent implementation of all outstanding recommendations of the second year review that seek to improve fairness, consistency and transparency of redress decisions.<sup>51</sup> We note that the Australian Government has said it supports many of these

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<sup>50</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, p 21.

<sup>51</sup> Knowmore, *Primary Submission to the Joint Standing Committee*, p 8, recommendation 1; Knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme: Seventh year of the National Redress Scheme*, p 5, recommendation 3.

recommendations.<sup>52</sup> However, the persistent unfairness, inconsistency and lack of transparency in redress decisions raises significant concerns about if and how these recommendations have been fully implemented (see the discussion on pages 28 to 31). We also note that the Joint Standing Committee has made further recommendations that seek to improve fairness, consistency and transparency of redress decisions.

As highlighted by our comments on pages 28 to 31 above, we consider that the Department of Social Services should provide greater transparency about the implementation of review recommendations, including by publishing periodic reports with specific information about the implementation status of review recommendations. We would particularly welcome this in relation to review recommendations that seek to improve the fairness, consistency and transparency of redress decisions. We make further comments about specific recommendations below.

## The National Redress Scheme's approach to the protected information provisions

Our comments above (on page 23) highlight that the protected information provisions of the NRS Act impact negatively on the transparency of the NRS and have an adverse effect on advocacy. We make further comments below:

- outlining the protected information provisions
- highlighting the lack of transparency in the NRS's approach to the protected information provisions.

In addition, we note that the protected information provisions play a significant role in the excessive withholding of information from victims and survivors.<sup>53</sup> This includes the following issues, which we discuss further below:

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<sup>52</sup> The Australian Government has said it supports recommendations 3.3, 3.9, 3.10 and 5.1, and supports in part recommendation 3.11. See Australian Government, *The Australian Government response to the Final Report of the Second Year Review of the National Redress Scheme*, pp 7, 10–11 and 19.

<sup>53</sup> For detailed discussion on the shortcomings of the protected information provisions in the NRS Act and the impact of these shortcomings on victims and survivors, see Knowmore, *Primary Submission to the Joint Standing Committee*, pp 65–75.

- the withholding of the Assessment Framework Policy Guidelines (see pages 43 to 45)
- the excessive withholding of information provided by institutions to the NRS (see pages 56 to 59)
- the excessive withholding of information in reasons for redress decisions (see pages 59 to 63).

We acknowledge that improving the protected information provisions themselves would require legislative reform and is therefore not a focus of the present audit.<sup>54</sup> However, we also consider that there are operational measures that could be implemented that would significantly improve the NRS's approach to the protected information provisions, with or without legislative reform (see the discussion about the current status of reforms to the NRS on pages 28 to 31).

## Outline of the protected information provisions

'Protected information' is defined by section 92 of the NRS Act and summarised as follows by the Australian Government's National Redress Guide.<sup>55</sup>

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<sup>54</sup> We have previously advocated for legislative reform to improve the protected information provisions. See Knowmore, *Primary Submission to the Joint Standing Committee*, p 12–13, recommendations 27, 30, 32 and 33.

<sup>55</sup> Australian Government, *National Redress Guide*, Part 6.1 Protected information, accessed 30 May 2025, <[www.guides.dss.gov.au/national-redress-guide/6/1](http://www.guides.dss.gov.au/national-redress-guide/6/1)>.

### Extract from the Australian Government's National Redress Guide

Broadly speaking, protected information is any information about a person or institution obtained by the Scheme for the purposes of the Scheme and that is, or was, held in the Scheme's records. Protected information includes:

- a person's application for redress
- a person's offer for redress
- a response from a participating institution for a request for information.

If the Scheme does not hold information about a person or institution this fact in itself is protected information under the legislation.

Under section 99 of the NRS Act, it is an offence to access, record, disclose or use protected information unless authorised or required by the NRS Act.<sup>56</sup> The main authorisations are set out in section 93 of the NRS Act and summarised as follows by the National Redress Guide.<sup>57</sup>

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<sup>56</sup> Sections 100 and 101 of the NRS Act provide for 2 related offences: soliciting disclosure of protected information and offering to disclose protected information.

<sup>57</sup> Australian Government, *National Redress Guide*, Part 6.1 Protected information. Additional authorisations are set out in sections 94 to 98, 102 to 103 and 105 to 106 of the NRS Act.

### **Extract from the Australian Government's National Redress Guide**

A person is authorised to obtain, make a record of, disclose or use protected information:

- if it is for the purposes of the scheme
- if the person believes on reasonable grounds that it is necessary to prevent or lessen a serious threat to an individual's life, health or safety
- if there is expressed or implied consent of the person or institution to which the information relates
- to produce information in an aggregated form that does not disclose, either directly or indirectly, information about a person or institution.

It is also an offence under section 104 of the NRS Act to obtain, record, disclose or use information contained in the NRS's Assessment Framework Policy Guidelines. This refers to guidelines made by the Minister for Social Services for the purposes of applying the NRS's Assessment Framework, which 'helps the Scheme's decision makers work out how much redress an eligible survivor should be paid'.<sup>58</sup> We make further comments about the withholding of the Assessment Framework Policy Guidelines from victims and survivors on pages 43 to 45 below.

### **Lack of transparency in the National Redress Scheme's approach to the protected information provisions**

In addition to the role of the protected information provisions in the excessive withholding of information from victims and survivors (see the discussion on pages 36 to 37), we see a general lack of transparency in the NRS's approach to the protected information provisions themselves. The NRS often withholds significant information from Knowmore and Knowmore's clients without providing adequate reasons for us to understand why the information has been withheld.

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<sup>58</sup> Joint Standing Committee, p 90, paragraph 4.63. See also NRS Act, section 32; *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018* (Cth) (NRS Assessment Framework).

We appreciate the challenges for the NRS in explaining why information has been withheld without also disclosing the information. We recognise that the requirements of procedural fairness can be flexible for protected information.<sup>59</sup> At the same time, we are concerned that this flexibility presently tilts too far in favour of withholding information from victims and survivors, denying victims and survivors the ability to:

- understand why information has been withheld
- seek legal advice about the withholding of information
- challenge the decision to withhold information.

We made detailed comments about the NRS's approach to protected information provisions in our submission to the second year review.<sup>60</sup> These include comments about how, in our view, the protected information provisions of the NRS Act permit the NRS to disclose significantly more information to victims and survivors than the NRS presently does:

*For example, the NRS Act permits the disclosure of protected information 'for the purposes of the scheme'. The provision of natural justice to survivors should be considered to fall within the ordinary operation of the Scheme and to be permitted by this exception. Alternatively, the NRS Act permits the disclosure of protected information 'with the express or implied consent of the person or institution to which the information relates'. IDMs [Independent Decision Makers] should therefore consider whether the express or implied consent of the person or institution to which the information relates can be obtained in order to afford natural justice to survivors. Further, in interpreting this provision, IDMs should consider whether information provided by an institution about a survivor, such as a survivor's institutional records, can be considered to 'relate' to the survivor and therefore, whether the survivor's consent can be implied.<sup>61</sup>*

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<sup>59</sup> Administrative Review Council, *Best practice guide 2 –Decision Making: Natural justice*, August 2007, p 9, <[www.ag.gov.au/legal-system/publications/administrative-review-council-best-practice-guide-2-natural-justice](http://www.ag.gov.au/legal-system/publications/administrative-review-council-best-practice-guide-2-natural-justice)>.

<sup>60</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, pp 23–32.

<sup>61</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, p 26.



We make further comments about natural justice, also known as procedural fairness, on pages 56 to 59.

We would welcome the NRS making greater use of existing authorisations to provide significantly more information to victims and survivors, including adequate reasons for the withholding of information if there remains some information that cannot be disclosed.

### Recommendation 3

The NRS should make greater use of existing authorisations within the protected information provisions in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* to provide significantly more information to victims and survivors, including adequate reasons for the withholding of information if there remains some information that cannot be disclosed.

We note that, under freedom of information processes, a decision-maker gives reasons if the decision-maker refuses to grant access to a document in response to a freedom of information request.<sup>62</sup> There are also processes for an applicant to seek review of a decision to refuse access to a document.<sup>63</sup>

We acknowledge that these measures are legislated in relation to freedom of information requests –<sup>64</sup> we have previously recommended that the Australian Government amend the NRS Act to require similar measures in relation to the NRS withholding information from victims and survivors.<sup>65</sup> We have also recommended that the NRS implement these measures operationally, as a practical step to improve the NRS's approach to protected information.<sup>66</sup>

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<sup>62</sup> *Freedom of Information Act 1982* (Cth), subsection 26(1).

<sup>63</sup> Office of the Australian Information Commissioner, *Freedom of information reviews*, accessed 9 May 2025, <[www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews](http://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews)>; *Freedom of Information Act 1982* (Cth), parts VI, VII, VIIA.

<sup>64</sup> *Freedom of Information Act 1982* (Cth), subsection 26(1) and parts VI, VII, VIIA.

<sup>65</sup> Knowmore, *Primary Submission to the Joint Standing Committee*, pp 67–68.

<sup>66</sup> Knowmore, *Primary Submission to the Joint Standing Committee*, pp 67–68.

We repeat that recommendation here. We are not aware of any legislative barrier that would prevent the NRS from implementing the recommendation as an operational measure.

#### **Recommendation 4**

The National Redress Scheme should provide reasons for a decision to withhold information from a victim/survivor and a process for victims and survivors to seek review of such decisions, as an operational measure to improve the National Redress Scheme's approach to protected information.

## **Lack of transparency about key policies, processes and practices affecting redress decisions**

In our experience, there are significant gaps in the information that is publicly available about key policies, processes and practices affecting redress decisions. This includes information about the following matters, which we discuss further below:

- the Assessment Framework Policy Guidelines
- policy guidance material about child sexual abuse in medical settings
- policy, process or practice material about advance payments.

As noted in our submission to the second year review:

*Denying survivors access to the policy framework that underpins the assessment of their redress application directly impacts their ability to understand how and why their redress decision was made. This is particularly problematic for survivors who receive an adverse and/or unexpected redress outcome.*

*It also makes it very challenging for knowmore and redress support services to provide advice and support to survivors when we are not able to determine whether the decision they received is fair or consistent with the Scheme's legislative and policy framework. This is exacerbated by the fact that some key terms in the assessment*

*framework are ambiguously defined, as well as by the apparent inconsistencies in the application of the assessment framework by some independent decision-makers (IDMs).<sup>67</sup>*

While these comments were about the withholding of the Assessment Framework Policy Guidelines, they are relevant to all of the policies, processes and practices that we discuss below.

### **The Assessment Framework Policy Guidelines**

As noted on page 39, the Assessment Framework Policy Guidelines are guidelines made by the Minister for Social Services for the purposes of applying the NRS's Assessment Framework. Despite their significant role in the NRS's decision-making,<sup>68</sup> the Assessment Framework Policy Guidelines are protected information under the NRS Act (see the discussion on pages 37 to 39).<sup>69</sup>

Knowmore made detailed comments in our submission to the second year review about the impact of the withholding of the Assessment Framework Policy Guidelines.<sup>70</sup> The report of the second year review only increased our concerns. While the independent reviewer was 'unable to publicly discuss or disclose the specific contents' of the Guidelines, the second year review did express concern that the Guidelines create 'more stringent criteria and a higher threshold for the IDM to be satisfied that extreme circumstances apply than is contained in the Assessment Framework itself'. The second year review reported that this problem with the Assessment Framework Policy Guidelines was contributing to inconsistency in redress outcomes and lower redress payments for some survivors than what they should be receiving.<sup>71</sup>

This illustrates the real-world impacts of withholding the Assessment Framework Policy Guidelines. Without access to the Guidelines, we cannot

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<sup>67</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, pp 22–24.

<sup>68</sup> See generally Joint Standing Committee, p 90, paragraph 4.63; R Kruk AO, *Final report: Second year review of the National Redress Scheme*, pp 94–95.

<sup>69</sup> NRS Act, section 104.

<sup>70</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, pp 22–24.

<sup>71</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 94.

identify if and where the Guidelines differ from the law,<sup>72</sup> or advise our clients when an incorrect decision has been made due to an improper application of the Guidelines. The result, which we see regularly, is inconsistency and unfairness in the redress outcomes received by victims and survivors.

The second year review made 2 key recommendations relevant to the Assessment Framework Policy Guidelines. In summary, these recommendations were for the Australian Government to:

- amend the Assessment Framework Policy Guidelines to ensure consistency with the Assessment Framework in relation to the assessment of extreme circumstances<sup>73</sup>
- remove the protected status of the Guidelines and make the Guidelines publicly available.<sup>74</sup>

We are disappointed that the Australian Government has not supported these recommendations.<sup>75</sup> However, we note that the Australian Government has said it supports the following recommendation from the former Joint Select Committee.<sup>76</sup>

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<sup>72</sup> Unlike the Assessment Framework itself, the Assessment Framework Policy Guidelines 'are not a legislative instrument'. See NRS Act, sections 32(2)–(3) and 33(4).

<sup>73</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 96, recommendation 3.12.

<sup>74</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 96, recommendation 3.13.

<sup>75</sup> Australian Government, *The Australian Government response to the Final Report of the Second Year Review of the National Redress Scheme*, pp 12–13.

<sup>76</sup> Australian Government, *Australian Government response to the Second Interim Report of the Joint Select Committee on Implementation of the National Redress Scheme*, July 2023, pp 6–7, <[www.dss.gov.au/system/files/resources/joint-select-committee-australian-government-response-second-interim-report.pdf](http://www.dss.gov.au/system/files/resources/joint-select-committee-australian-government-response-second-interim-report.pdf)>.

### **Recommendation 5 of the second interim report of the former Joint Select Committee**

The Committee recommends that the National Redress Scheme produce public education materials to clearly explain and demonstrate how the assessment framework is applied to applications by Independent Decision Makers.

Consistent with this recommendation, Knowmore would welcome public education materials that more clearly explain and demonstrate how the Assessment Framework is applied to redress applications by NRS decision-makers.

### **Recommendation 5**

The NRS should produce public education materials that more clearly explain and demonstrate how the Assessment Framework is applied to redress applications by NRS decision-makers (consistent with recommendation 5 of the second interim report of the former Joint Select Committee).

## **Policy guidance material about child sexual abuse in medical settings**

We understand, from the Australian Government's response to the second year review, that:

- the NRS provides Independent Decision Makers with guidance material that is not publicly available about child sexual abuse in medical settings
- 'External expertise assisted in reviewing [this guidance material]', which was 'updated to provide further clarity and context for Independent Decision Makers to assist them in determining whether a clinical procedure could be considered sexual abuse within the scope of the Scheme'.<sup>77</sup>

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<sup>77</sup> Australian Government, *The Australian Government response to the Final Report of the Second Year Review of the National Redress Scheme*, p 7.

We also understand, from the Joint Standing Committee, that:

- the Department of Social Services contracted a medical ethicist to write a report, which was received around February 2022 and ‘used to update the policy that IDMs use in their assessment of abuse in a medical setting’<sup>78</sup>
- the Department of Social Services gave to the Joint Standing Committee ‘an indication about guidance given to IDMs about child sexual abuse in medical settings’, outlined in 4 paragraphs of the Joint Standing Committee’s report.<sup>79</sup>

Beyond this, we have very little information about the NRS’s policy guidance material about child sexual abuse in medical settings.

We note that the second year review recommended that the Australian Government ‘review the application of policy guidance regarding child sexual abuse in a medical setting, amend inconsistencies and provide greater clarity for independent decision makers in the exercise of their judgement’.<sup>80</sup> We also note that the Department of Social Services considers the implementation of this recommendation to have been completed by September 2022.<sup>81</sup>

In our view, this is concerning, as child sexual abuse in medical settings has remained an area in which unfairness, inconsistency and lack of transparency have continued to have significant, adverse impacts on our clients. In other words, the degree or manner of the implementation of the relevant recommendation has not been sufficient to provide an effective resolution of the problem for survivors who experienced child sexual abuse in medical settings. We make further comments about this on pages 51 to 52.

Similarly, we note the Joint Standing Committee’s observation:

*While these events [to update the policy guidance material about child sexual abuse in medical settings] were happening, we know*

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<sup>78</sup> Joint Standing Committee, p 86, paragraph 4.47.

<sup>79</sup> Joint Standing Committee, pp 88–89, paragraphs 4.58–4.61.

<sup>80</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 75, recommendation 3.3.

<sup>81</sup> Joint Standing Committee, p 87, paragraph 4.48.

*that Lorraine [a pseudonym], who experienced horrific abuse, was found ineligible for redress on the basis that virginity testing was a 'medical procedure'.<sup>82</sup>*

The Joint Standing recommended that 'a consistent approach to virginity testing in Australia should be articulated' and that the practice 'should be the subject of a separate inquiry'.<sup>83</sup> Knowmore supports this recommendation. We note that the NRS's policy guidance material about child sexual abuse in medical settings would be relevant to any inquiry into the NRS's approach to assessing virginity testing. We make further comments about virginity testing on pages 51 to 52.

We recommend that the NRS make publicly available its policy guidance material about child sexual abuse in medical settings.

### **Recommendation 6**

The National Redress Scheme should make publicly available its policy guidance material about child sexual abuse in medical settings.

### **Policy, process or practice material about advance payments**

The NRS may offer victims and survivors a \$10,000 advance payment in certain circumstances, outlined in section 56B of the NRS Act. Broadly speaking, a victim/survivor of institutional child sexual abuse is eligible for an advance payment if they are elderly, terminally ill or have exceptional circumstances that justify the payment.<sup>84</sup> The advance payment is important because it provides relatively prompt recognition of the abuse perpetrated against the victim/survivor and mitigates the impact of delays in processing redress application (see the discussion about delays on pages 94 to 97).

We have been concerned to see the NRS not offering the advance payment to an increasing number of elderly or terminally ill clients who, in

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<sup>82</sup> Joint Standing Committee, p 87, paragraph 4.49.

<sup>83</sup> Joint Standing Committee, p 21, recommendation 16.

<sup>84</sup> For more information about advance payments, see Knowmore, *National Redress Scheme \$10,000 advance payment*, September 2023, <[www.knowmore.org.au/wp-content/uploads/2022/01/National-Redress-Scheme-10000-advance-payment.pdf](http://www.knowmore.org.au/wp-content/uploads/2022/01/National-Redress-Scheme-10000-advance-payment.pdf)>.

our experience, would previously have been offered the advance payment as a matter of course. This is linked to an increasing degree of inconsistency as to which elderly or terminally ill clients are offered the advance payment. We often struggle to reconcile these inconsistencies with the criteria for advance payments in section 56B of the NRS Act.

We would welcome significantly greater clarity about how the NRS decides whether to offer a victim/survivor an advance payment. We recommend that the NRS make publicly available any policy, process or practice material that decision-makers consider in deciding whether to offer a victim/survivor an advance payment.

### **Recommendation 7**

The National Redress Scheme should make publicly available any policy, process or practice material that decision-makers consider in deciding whether to make an advance payment.

## **Unfairness and inconsistency in the approach to key concepts in the legal framework**

In our experience, unfairness and inconsistency in redress decisions tends to be particularly evident in areas where NRS decision-makers have a greater degree of discretion. This includes in relation to the following key concepts in the legal framework for the NRS,<sup>85</sup> which we discuss further below:

- the legal standard of proof for deciding that a person is eligible for redress
- sexual abuse of a child
- extreme circumstances.

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<sup>85</sup> NRS Act; NRS Assessment Framework; *National Redress Scheme for Institutional Child Sexual Abuse Rules 2018* (Cth) (NRS Rules).



## The legal standard of proof for deciding that a person is eligible for redress

Knowmore has been especially concerned by recent redress decisions that do not reflect an understanding of the legal standard of proof for deciding that a person is eligible for redress – namely, that it is reasonably likely that the person is eligible.<sup>86</sup> The NRS Act states that ‘reasonable likelihood’ means that ‘the chance of the person being eligible is real, is not fanciful or remote and is more than merely plausible’.<sup>87</sup> This was the standard of proof recommended by the Royal Commission and is a lower standard of proof than is typically used in civil litigation (proof on the balance of probabilities) or in a criminal trial (proof beyond reasonable doubt).<sup>88</sup>

The second year review made the following observations about the NRS’s application of the reasonable likelihood standard:

*Understanding memory, and the distinctive features of traumatic memory, is crucial for all IDMs making determinations on an applicant’s eligibility for redress.*

*The Scheme must accommodate the way unreported childhood memories are disclosed in adulthood, as most people who have been sexually abused as children do not disclose until they are adults.*

...

*Current determinations appear to reflect a misunderstanding of trauma and memory. They indicate that the Royal Commission’s guidance had been erroneously interpreted and determinations appear to be inconsistent with the burden of proof of ‘reasonable likelihood’.<sup>89</sup>*

Despite this guidance from the second year review, we have seen recent decisions that the client is not eligible for redress on the apparent basis that the client has not disclosed specific details about the abuse or disproved other possible versions of events. Due to ongoing issues with the

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<sup>86</sup> NRS Act, section 12(b).

<sup>87</sup> NRS Act, section 6, definition of ‘reasonable likelihood’.

<sup>88</sup> Royal Commission, *Redress and civil litigation report*, p 41, recommendation 57.

<sup>89</sup> Robyn Kruk AO, *Final report: second year review of the National Redress Scheme*, p 263.

quality of the NRS's written reasons (see the discussion on pages 59 to 63),<sup>90</sup> it is often difficult for us to understand the precise basis of these decisions and we struggle to reconcile these decisions with the reasonable likelihood standard.

We have also seen recent redress decisions that do not reflect an understanding of the nature or context of institutional child sexual abuse – for example, decisions that the client is not eligible for redress on the apparent basis that the institution does not have records relevant to the abuse, even though the Royal Commission noted extensive problems with institutional records and record-keeping.<sup>91</sup> Again, we struggle to reconcile these decisions with the reasonable likelihood standard.

For a further illustration of these issues, we refer to our supplementary submission to the Joint Standing Committee in July 2024, which shares relevant experiences of one of our clients.<sup>92</sup>

## Sexual abuse of a child

The NRS Act defines 'sexual abuse' of a child as 'includ[ing] any act which exposes the person to, or involves the person in, sexual processes beyond the person's understanding or contrary to accepted community standards'.<sup>93</sup> We note that this closely aligns with the Royal Commission's definition of 'child sexual abuse'.<sup>94</sup>

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<sup>90</sup> Knowmore, *Submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, pp 18–19.

<sup>91</sup> Royal Commission, *Final report: Volume 8, Recordkeeping and information sharing*, 15 December 2017, p 39, <[www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_volume\\_8\\_recordkeeping\\_and\\_information\\_sharing.pdf](http://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_8_recordkeeping_and_information_sharing.pdf)>. We also note survivors' reflections that the NRS is 'inconsistent in relation to decisions where there is a lack of records'. See National Redress Scheme, *Survivor Roundtable, 16 October 2024*, accessed 30 May 2025, <[www.nationalredress.gov.au/about/about-scheme/reports-and-statistics/survivor-roundtable#questions-and-answers-from-the-adelaide-roundtable](http://www.nationalredress.gov.au/about/about-scheme/reports-and-statistics/survivor-roundtable#questions-and-answers-from-the-adelaide-roundtable)>.

<sup>92</sup> Knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme: Seventh year of the National Redress Scheme*, p 15.

<sup>93</sup> NRS Act, section 6, definition of 'sexual abuse'.

<sup>94</sup> Royal Commission, *Final report: volume 1, Our inquiry*, 15 December 2017, p 19, <[www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_volume\\_1\\_our\\_inquiry.pdf](http://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_1_our_inquiry.pdf)>.

As we stated in our submission to the second year review in September 2020:

*Knowmore is concerned that, in some important instances, the NRS is adopting a limited approach to the definition of sexual abuse that is not survivor-focused and is inconsistent with the approach and findings of the Royal Commission.*<sup>95</sup>

As highlighted by our comments on pages 45 to 47 above, Knowmore remains particularly concerned about the NRS's approach to assessing child sexual abuse in medical settings. Our comments above highlight the need for greater transparency in relation to the NRS's policy guidance material about child sexual abuse in medical settings. Further to this, we consider that there is a need for greater fairness and consistency – and, in particular, a more survivor-focused, trauma-informed and culturally safe approach – when assessing child sexual abuse in medical settings for the purpose of redress.

The Royal Commission identified healthcare as an environment that encouraged or facilitated offending, stating that in some cases 'specialist expertise, as in the case of medical practitioners ... enabled perpetrators to disguise sexual abuse'.<sup>96</sup> The Royal Commission recognised sexual abuse perpetrated by medical and health professionals in a number of different contexts, including in residential institutions, hospitals and community health settings.<sup>97</sup> Similarly, the Joint Standing Committee stated it had 'heard evidence that the Scheme's IDMs have made inconsistent or unfair decisions' about child sexual abuse in medical settings,<sup>98</sup> and that 'evidence we heard is consistent with past reports', including from the Royal Commission.<sup>99</sup>

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<sup>95</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, pp 3–4.

<sup>96</sup> Royal Commission, *Final Report: Volume 2, Nature and cause*, 15 December 2017, p 101, <[www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_volume\\_2\\_nature\\_and\\_cause.pdf](http://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_2_nature_and_cause.pdf)>.

<sup>97</sup> Royal Commission, *Final Report: Volume 2, Nature and cause*, p 56.

<sup>98</sup> Joint Standing Committee, p 106, paragraph 5.52.

<sup>99</sup> Joint Standing Committee, p 107.

The Joint Standing Committee expressed particular concern about virginity testing,<sup>100</sup> observing that:

*Virginity testing can be a painful, humiliating and traumatic practice, but as a form of abuse it is not always covered by the Scheme.*<sup>101</sup>

The Joint Standing Committee also made the following comments, relevant to the NRS's approach to assessing virginity testing.<sup>102</sup>

#### **Extract from the Joint Standing Committee's report**

... the Department of Social Services had difficulty explaining to us:

- How the Scheme's independent decision makers could find that virginity testing was ever a valid medical procedure.
- Why assessing those redress applications would, therefore, become complex and lead to variable outcomes.

In our view, the NRS's approach to assessing child sexual abuse in medical settings is not consistently fair or survivor-focused, nor is it consistent with the Royal Commission's approach. As we stated in our submissions to the former Joint Select Committee and the second year review in 2020:

*Medical and health professionals who abuse their position of trust to sexually abuse children in their care should be held to account, and the NRS should provide equal access to justice and redress for survivors of such abuse.*<sup>103</sup>

Knowmore is also concerned that other forms of child sexual abuse are not being consistently recognised by the NRS, despite being recognised by the Royal Commission. For example, we have seen inconsistencies in how the NRS assesses cases involving voyeurism. We have also experienced

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<sup>100</sup> Joint Standing Committee, pp 20–21.

<sup>101</sup> Joint Standing Committee, p 20, paragraph 1.94.

<sup>102</sup> Joint Standing Committee, p 20, paragraph 1.95.

<sup>103</sup> Knowmore, *Submission to the Joint Select Committee on Implementation of the National Redress Scheme*, p 12; Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, pp 39–49.

significant difficulties in getting the NRS to recognise grooming as a form of child sexual abuse. This is despite the fact that the Royal Commission's definition of child sexual abuse expressly recognised both voyeurism and grooming as forms of child sexual abuse.<sup>104</sup>

These and related issues are illustrated by the following experiences of one of Knowmore's clients who had to go to the Federal Court to get the abuse they experienced recognised as sexual abuse. The text below includes a brief, factual description of the abuse experienced by our client for the purpose of illustrating the relevant issues.

### **A client who had to go to the Federal Court to get the abuse they experienced recognised as sexual abuse**

The client experienced sexual, physical and psychological abuse while in out-of-home care. The abuse was perpetrated by 2 carers at the home.

The client, made to strip naked, was whipped extensively with a leather strap by one carer while the other carer watched. The carers gained sexual gratification from the whipping, which was done to groom the client for further abuse. The client says the 'major thing that I didn't have, that I lost when I was 11 years old, was emotions and love'.

The client self-lodged an application for redress in December 2018. In July 2022, an NRS decision-maker determined that the client was ineligible for redress on the basis that the client had not experienced 'sexual abuse' as defined by the NRS (original determination). The statement of reasons noted that the decision-maker was unable to conclude that the physical and psychological abuse the client experienced involved a sexual element.

**[Continued below]**

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<sup>104</sup> Royal Commission, *Final report: volume 1, Our inquiry*, p 19.

**[Continued from above] A client who had to go to the Federal Court to get the abuse they experienced recognised as sexual abuse**

Knowmore assisted the client to seek an internal review of the original determination. In September 2022, a different NRS decision-maker determined that the client was ineligible for redress (review determination). In March 2023, the client provided additional information to the NRS and applied to have the review determination revoked, which was unsuccessful.

In September 2023, the client applied to the Federal Court for judicial review of the original determination made by the NRS. The client's application was successful and the NRS were ordered to reconsider the client's application for redress. The court found that, in making the original determination, the decision-maker made an error of law by adopting a narrow interpretation of 'sexual abuse' and by failing to consider whether one of the perpetrators gained sexual gratification from the whipping the client experienced.

The client lodged a new application for redress and received an offer of redress from the NRS in September 2024. The client found it very beneficial to have the staff of Knowmore 'actually listen' to them and said that having Knowmore's assistance throughout their redress process was a 'real relief'.

For a further illustration of issues with the NRS's approach to the definition of sexual abuse, we refer to our submission to the former Joint Select Committee in April 2020, which shares relevant experiences of Knowmore's clients.<sup>105</sup>

### **Extreme circumstances**

The Assessment Framework defines 'extreme circumstances' for the purposes of the NRS.<sup>106</sup> Broadly speaking, the NRS considers that a person experienced sexual abuse in extreme circumstances if the person

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<sup>105</sup> Knowmore, *Submission to the Joint Select Committee on Implementation of the National Redress Scheme*, pp 12–13.

<sup>106</sup> NRS Assessment Framework, section 4, definition of 'extreme circumstances'.

experienced penetrative abuse and ‘it would be reasonable to conclude that the sexual abuse so egregious, long-term or disabling to the person as to be particularly severe’.<sup>107</sup>

The assessment of extreme circumstances is relevant for determining whether the NRS will offer the victim/survivor an additional \$50,000 as part of the redress payment (see our comments about the redress payment on page 24 above).<sup>108</sup> The assessment of extreme circumstances therefore has significant implications for the amount of the redress payment, and whether the victim/survivor feels that the NRS has understood and recognised their experience.

Despite this, the NRS’s approach to assessing extreme circumstances remains an area in which unfairness, inconsistency and lack of transparency continue to have significant, adverse impacts on our clients. As we commented in our submission to the second year review in April 2020:

*... the legislative definition of extreme circumstances is ambiguous and any further guidance provided in the Assessment Framework Policy Guidelines is not publicly available ... without further clarity there is a risk that some survivors may omit information from their applications that is relevant to the determination of extreme circumstances, therefore depriving them of access to a further \$50,000 to recognise and alleviate the impacts of the abuse they experienced. Conversely, the lack of clarity may lead survivors to feel the need to disclose too much information in their application out of fear that it may be relevant to the determination of their application, therefore increasing the risk of re-traumatisation. These risks may be especially heightened for survivors who choose to complete their applications without support.*<sup>109</sup>

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<sup>107</sup> NRS Assessment Framework, section 4, definition of ‘extreme circumstances’.

<sup>108</sup> NRS Assessment Framework, section 5.

<sup>109</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, p 36.



For a further illustration of issues with how the NRS assesses extreme circumstances, we refer to our submission to the second year review in September 2020, which shares relevant experiences of 2 survivors.<sup>110</sup>

## Lack of procedural fairness for victims and survivors

Procedural fairness, also known as natural justice, ‘requires that administrators adhere to a fair decision-making procedure’.<sup>111</sup> It is both a legal duty applying to many types of administrative decisions and a requirement of best practice administrative decision-making.<sup>112</sup>

In Knowmore’s view, the duty to provide procedural fairness applies to many decisions made by the NRS, including:

- decisions about whether a person is eligible to apply for redress and whether their redress application is valid (for example, under the special assessment process for people with serious criminal convictions)
- determinations of redress applications made under section 29 of the NRS Act
- decisions made under the NRS’s internal review and revocation processes.<sup>113</sup>

We make comments about the limited review options for decisions made by the NRS on page 79. These limitations make it especially important that all decisions made by the NRS are correct and procedurally fair, as there may be few or no avenues to address an incorrect or unfair decision. Further, procedural fairness is an important part of a trauma-informed approach to redress decision-making. The Royal Commission highlighted how secrecy within institutions, and prioritising the reputation of institutions above children, contributed to both child sexual abuse within institutions

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<sup>110</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, p 36.

<sup>111</sup> Administrative Review Council, *Best practice guide 2 –Decision Making: Natural justice*, p 1.

<sup>112</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, p 25; Administrative Review Council, *Best practice guide 2 –Decision Making: Natural justice*, p 1.

<sup>113</sup> See, Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, pp 20–32.



and poor institutional responses.<sup>114</sup> From the perspective of many of our clients, the NRS's withholding of information provided by institutions replicates this and can be a re-traumatising experience.<sup>115</sup> It also worsens the existing power imbalance between survivors and institutions — while information provided by survivors is often disclosed to institutions, the same is not equally true in reverse.

Knowmore has long held concerns that NRS decision-makers are not consistently complying with the rules of procedural fairness, including the hearing rule, which requires decision-makers to notify survivors of information that may adversely affect the determination of their application and to provide them with a meaningful opportunity to respond to this information.<sup>116</sup> For example, when a survivor lodges a redress application naming an institution that is participating in the NRS, it is common practice for the NRS to request information from the institution under section 25 of the NRS Act. This may include, but is not limited to, any institutional records relating to the survivor. In our experience, information provided by a participating institution is often not disclosed to the survivor. Despite this, the NRS decision-maker may consider the information when assessing the survivor's redress application.

We have been unable to understand the factual or evidentiary basis for some of the redress decisions that our clients have received from the NRS, leading us to believe that the decision-maker may have relied upon information that was not disclosed to the victim/survivor. We have also been concerned to see the NRS telling an increasing number of our clients that concerns about fraud have been identified in relation to their redress application. In relation to this, we emphasise that victims and survivors face significant barriers to disclosing that they have experienced child

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<sup>114</sup> Royal Commission, *Final Report: Volume 4, Identifying and disclosing child sexual abuse*, 15 December 2017, pp 146–147, <[www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_volume\\_4\\_identifying\\_and\\_disclosing\\_child\\_sexual\\_abuse.pdf](http://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_4_identifying_and_disclosing_child_sexual_abuse.pdf)>.

<sup>115</sup> See Royal Commission, *Final report: Volume 3, Impacts*, pp 181–183.

<sup>116</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, p 25.

sexual abuse,<sup>117</sup> and false allegations of child sexual abuse are rare.<sup>118</sup> Allegations of fraud are devastating for our clients, many of whom already fear that they will not be believed when disclosing the child sexual abuse perpetrated against them.<sup>119</sup>

We recognise that fraud is a difficult and important problem for the NRS to address. However, we consider that the NRS must approach fraud prevention in a trauma-informed and procedurally fair way (see the further discussion on pages 114 to 115). In some cases, the NRS has not provided enough information to equip our clients with a meaningful understanding of the basis of the NRS's concerns. This is not procedurally fair, and exacerbates the fears of many victims and survivors.

It is not always clear to us why NRS decision-makers are failing to disclose all adverse information to victims and survivors, and provide them with an opportunity to respond. In our submission to the second year review in September 2020, we reflected:

*... this may be because of either a lack of clear procedures within the NRS, or an over-reliance on the protected information provisions in the NRS Act. If the former, the NRS should urgently implement procedures to ensure that survivors are afforded natural justice throughout the decision-making process. If the latter, the NRS should urgently revise its approach to the Act's protected information provisions.<sup>120</sup>*

Unfortunately, these reflections remain relevant in May 2025.

We have previously recommended that the NRS ensure that:

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<sup>117</sup> Royal Commission, *Final Report: Volume 4, Identifying and disclosing child sexual abuse*, p 77.

<sup>118</sup> Royal Commission, *Final Report: Volume 7, Improving institutional responding and reporting*, 15 December 2017, pp 136–137, <[www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_volume\\_7\\_improving\\_institutional\\_responding\\_and\\_reporting.pdf](http://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_7_improving_institutional_responding_and_reporting.pdf)>.

<sup>119</sup> See Royal Commission, *Final Report: Volume 4, Identifying and disclosing child sexual abuse*, pp 80–81.

<sup>120</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, p 25.

- the provisions of the NRS Act are interpreted and applied in a manner that ensures procedural fairness for victims and survivors, and
- the NRS's quality assurance framework ensures that victims and survivors are consistently provided procedural fairness in both first instance decisions and internal review processes.<sup>121</sup>

We repeat that recommendation here. As noted on page 40, we consider that the protected information provisions permit the NRS to disclose significantly more information to victims and survivors than the NRS presently does (see the discussion on pages 39 to 42). We make further comments about the NRS's quality assurance framework on pages 68 to 72.

### Recommendation 8

The National Redress Scheme should ensure that:

- the provisions of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* are interpreted and applied in a manner that ensures procedural fairness for victims and survivors, and
- the National Redress Scheme's quality assurance framework ensures that victims and survivors are consistently provided procedural fairness in both first instance decisions and internal review processes.

## Lack of adequate written reasons for redress decisions

Similar to providing procedural fairness (see the discussion above), giving reasons for a decision is both a legal requirement for the NRS's redress decisions<sup>122</sup> and a requirement of best practice administrative decision-

<sup>121</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, p 27, recommendation 12.

<sup>122</sup> NRS Act, section 34.

making.<sup>123</sup> According to the Administrative Review Council's best practice guide on reasons:

*The actual reasons relied upon by the decision maker at the time of making the decision must be stated. Every decision should be amenable to logical explanation. The statement must detail all steps in the reasoning process that led to the decision, linking the facts to the decision. The statement should enable a reader to understand exactly how the decision was reached; they should not have to guess at any gaps.*

*The statement must go further than merely expressing conclusions: it must give reasons for those conclusions. This might necessitate mention of the legislation, relevant principles of case law, and policy statements or guidelines or other agency practices that were taken into account. The criteria and other factors considered in making the decision and why material facts were accepted should be noted.*<sup>124</sup>

We recognise that there have been recent improvements in relation to statements of reasons. In particular, providing statements of reasons with outcome letters has addressed a previous issue with the timeliness of statement of reasons. There is also generally more detail being provided in statements of reasons.<sup>125</sup>

Despite these recent improvements, our experience remains that the reasons provided by the NRS for redress decisions often fall significantly short of the best practice standard for reasons articulated by the Administrative Review Council. For example, it is common for victims and survivors to receive statements of reasons that:

- express conclusions that either do not have comprehensible reasons or where the reasons rely heavily on assumptions that we struggle to identify a rational basis for

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<sup>123</sup> Administrative Review Council, *Best practice guide 4 – Reasons*, August 2007, p 1, <[www.ag.gov.au/legal-system/publications/administrative-review-council-best-practice-guide-4-reasons](http://www.ag.gov.au/legal-system/publications/administrative-review-council-best-practice-guide-4-reasons)>.

<sup>124</sup> Administrative Review Council, *Best practice guide 4 – Reasons*, p 8.

<sup>125</sup> Knowmore, *Submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, p 18.

- do not engage in a meaningful way with legislation, relevant principles of case law, or relevant policy statements, guidelines or agency practices
- are, in our view, inconsistent or illogical.

As a result of this and related issues, the reasons provided by the NRS for redress decisions are often insufficient for us to understand how the decision was reached, and to assess whether the decision is consistent with the legal and policy framework for the NRS. This, in turn, makes it difficult for us to advise victims and survivors about their options to seek review of a redress decision.<sup>126</sup>

We are also concerned that the manner of expression in the statement of reasons is often not trauma-informed. We recognise that it can be challenging to provide all necessary details to make the reasoning clear, without providing unnecessary details that may be retraumatising. However, we consider that all statements of reasons must – at a minimum – reflect an understanding of the nature, context and impacts of institutional child sexual abuse. For example, all statements of reasons must reflect an understanding of the impacts of child sexual abuse on memory and of the known problems with institutional records and record-keeping (see the discussion on pages 49 to 50).

The Joint Standing Committee recognised the impact of inadequate reasons on victims and survivors (emphasis added):

*A rejection or receiving a low redress offer can have traumatic impacts on victims and survivors, **especially when the reasons are poorly explained.** They feel confused, devastated or possibly suicidal. **There can be delays getting this detail in writing. Then there can be questions about how the decision was made.***<sup>127</sup>

The second year review made the following recommendation relevant to the lack of adequate written reasons for redress decisions.<sup>128</sup>

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<sup>126</sup> See R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 152.

<sup>127</sup> Joint Standing Committee, p 67, paragraph 3.120.

<sup>128</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 90.

### **Recommendation 3.10 of the second year review**

The Australian Government review the format and content of the outcome letter and statement of reasons template with a view to removing legalese and ensure independent decision makers provide detailed information to justify their decisions in plain English. The outcome letter should include the name of the independent decision maker.

The Australian Government has said it supports this recommendation.<sup>129</sup> However, the Australian Government has only implemented this recommendation in part. In particular, we note that the name of the Independent Decision Maker responsible for a victim/survivor's redress decision continues to be withheld from the victim/survivor, denying the transparency and accountability contemplated by recommendation 3.10 of the second year review. As outlined above, we also do not consider that Independent Decision Makers are consistently providing sufficient information to justify their decisions consistent with best practice standards (see pages 59 to 61).

We consider that the Department of Social Services should ensure the full and urgent implementation of recommendation 3.10 of the second year review, including by ensuring that victims and survivors are informed in writing of the name of Independent Decision Maker responsible for their redress decision and by ensuring that Independent Decision Makers consistently provide detailed information to justify their decisions.

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<sup>129</sup> Australian Government, *The Australian Government response to the Final Report of the Second Year Review of the National Redress Scheme*, p 11.

### Recommendation 9

The Department of Social Services should ensure the full and urgent implementation of recommendation 3.10 of the second year review, including by ensuring that victims and survivors are informed in writing of the name of Independent Decision Maker responsible for their redress decision and by ensuring that Independent Decision Makers consistently provide detailed information to justify their decisions.

We have also previously recommended that the NRS ensure that its quality assurance framework prioritises adequate reasons for determinations, both at first instance and in internal review processes.<sup>130</sup> We make further comments about the NRS's quality assurance framework on pages 68 to 72.

## Unfairness, inconsistency and lack of transparency in relation to non-participating institutions

As noted by the Joint Standing Committee, 'participation in the Scheme is voluntary, and it is not possible to compel any institution to join, or remain in the Scheme'.<sup>131</sup> The second year review observed that some survivors 'are unable to access redress because the responsible institution no longer exists and there is no contemporary successor institution, or the responsible institution cannot or will not join the Scheme'.<sup>132</sup> While the reasons for non-participating institutions vary, the end result for victims and survivors who experienced child sexual abuse in these institutions is the same – they are unable to access redress, unless the institution is covered by a relevant arrangement for a government to act as a funder of last resort. As we discuss further below, these arrangements are often inadequate.

Since the start of the NRS in 2018, there has consistently been a large number of applications that identify institutions that are not already

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<sup>130</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, p 29, recommendation 13.

<sup>131</sup> Joint Standing Committee, p 16, paragraph 1.73.

<sup>132</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 106.



participating in the NRS.<sup>133</sup> As of 13 May 2025, the NRS website identifies at least 202 non-participating institutions that ‘have chosen to voluntarily join the Scheme or ... have been named in an application’.<sup>134</sup> These include many institutions that have said they intend to participate in the NRS, but have not yet completed the steps to participate, and institutions that are unable to join the NRS.<sup>135</sup> Further, the list of non-participating institutions on the NRS website is not complete. Knowmore has, for many years, been aware of institutions that have been named in redress applications that are not identified as non-participating institutions on the NRS’s website.<sup>136</sup>

In our primary submission to the Joint Standing Committee in February 2023, we expressed particular concern that no funder of last resort arrangements had been made for institutions that cannot participate in the NRS, noting that victims and survivors had named at least 26 such institutions at the time.<sup>137</sup> As of 13 May 2025, victims and survivors have named at least 34 such institutions – funder of last resort arrangements have only been made for 4 of these 34 institutions.<sup>138</sup>

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<sup>133</sup> Knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme: Resourcing of knowmore and other support services*, 3 July 2023, p 15, <[knowmore.org.au/wp-content/uploads/2023/07/submission-joint-standing-committee-on-implementation-of-the-national-redress-scheme-resourcing-of-knowmore-and-other-support-services-cth.pdf](https://knowmore.org.au/wp-content/uploads/2023/07/submission-joint-standing-committee-on-implementation-of-the-national-redress-scheme-resourcing-of-knowmore-and-other-support-services-cth.pdf)>; Knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme: Seventh year of the National Redress Scheme*, pp 16–17.

<sup>134</sup> National Redress Scheme, *Institutions that have not joined*, 13 May 2025, accessed 16 May 2025, <[www.nationalredress.gov.au/institutions-landing/institutions-have-not-joined/list-institutions-have-not-joined](https://www.nationalredress.gov.au/institutions-landing/institutions-have-not-joined/list-institutions-have-not-joined)>.

<sup>135</sup> National Redress Scheme, *Institutions that have not joined*.

<sup>136</sup> See Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, pp 16–17.

<sup>137</sup> Knowmore, *Primary Submission to the Joint Standing Committee*, p 22.

<sup>138</sup> On 5 May 2025, funder of last resort arrangements were declared for Anne Street Christian Assembly, Bribe Island Church of Christ, Lowood Church of Christ and Tomaree Board of Christian Education. See *National Redress Scheme for Institutional Child Sexual Abuse Declaration 2018* (Cth); *National Redress Scheme for Institutional Child Sexual Abuse Amendment (2025 Measures No. 4) Declaration 2025* (Cth); National Redress Scheme, *Institutions that have not joined*.



We have also previously noted the inadequacy of institutions waiting to be named in redress applications before joining the NRS:

*The Royal Commission reviewed allegations of sexual abuse in more than 4,000 institutions. Although the overwhelming majority of these institutions were not specifically named by the Royal Commission, it cannot be a surprise to these institutions that they are now being named in redress applications (or are likely to be named in future applications).*<sup>139</sup>

Further, the NRS has now been operating for almost 7 years. As we said to the former Joint Select Committee in a hearing in April 2020:

*... all of these institutions [who had allegations against them reviewed by the Royal Commission] knew the Scheme was coming for a long time prior to it starting. They've now had years, in effect, to get their house in order and to join. In our view, institutions have had more than enough time to opt in to the NRS and it is simply unacceptable that many still have not done so.*<sup>140</sup>

Our experience remains that many of our clients are unable to access redress, receive reduced redress payments and experience significant delays and anxiety due to non-participating institutions and inadequate funder of last resort arrangements.

These issues are worsened by a lack of transparency about where many institutions stand with respect to joining the NRS. As noted on page 64, the list of non-participating institutions on the NRS website is not complete. Further, the NRS often provides victims and survivors with very limited information about where the institution(s) identified in their redress application stand with respect to joining the NRS. This lack of transparency

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<sup>139</sup> Knowmore, *Submission to the Joint Select Committee on Implementation of the National Redress Scheme*, p 6.

<sup>140</sup> Joint Select Committee on Implementation of the NRS, Proof Committee Hansard – Monday, 6 April 2020, *Evidence of Mr W Strange*, p. 38, <[www.parlinfo.aph.gov.au/parlInfo/download/commsen/commsen/b09efaf9-cb03-48ac-a10a-c85599257bd3/toc\\_pdf/Joint%20Select%20Committee%20on%20Implementation%20of%20the%20National%20Redress%20Scheme\\_2020\\_04\\_06\\_7661\\_Official.pdf;fileType=application%2Fpdf#search=%22Implementation%20of%20the%20National%20Redress%20Scheme%22](http://www.parlinfo.aph.gov.au/parlInfo/download/commsen/commsen/b09efaf9-cb03-48ac-a10a-c85599257bd3/toc_pdf/Joint%20Select%20Committee%20on%20Implementation%20of%20the%20National%20Redress%20Scheme_2020_04_06_7661_Official.pdf;fileType=application%2Fpdf#search=%22Implementation%20of%20the%20National%20Redress%20Scheme%22)>.

often creates difficulties for victims and survivors in considering their redress and compensation options – for example, in considering whether to wait for the relevant institution(s) to join the NRS or to pursue other options. This has an especially significant impact on victims and survivors who are elderly or terminally ill, who do not have the luxury of time (see the discussion on pages 94 to 97 about the impact of delays in processing redress applications).

For a further illustration of the impact of non-participating institutions and inadequate funder of last resort arrangements, we refer to our submissions to the Joint Standing Committee in February 2023 and July 2024. These share relevant experiences of one of our clients, who applied for redress in December 2020.<sup>141</sup> We note that it has now been almost 4 and a half years since this client applied for redress – the same client is still waiting for redress as of May 2025.

The Joint Standing Committee made the following recommendation relevant to the lack of transparency in relation to non-participating institutions.<sup>142</sup>

#### **Recommendation 12 of the Joint Standing Committee**

The Committee recommends that the Australian Government should publicly disclose and report on:

- How many redress applications have named:
  - An institution that has refused to join the Scheme.
  - An institution that has refused to join the Scheme for longer than 12 months.
  - The names of those institutions.

Knowmore supports this recommendation.

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<sup>141</sup> Knowmore, *Primary Submission to the Joint Standing Committee*, p 23; Knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme: Seventh year of the National Redress Scheme*, pp 16–18.

<sup>142</sup> Joint Standing Committee, p 16, recommendation 12.

### Recommendation 10

The Australian Government should publicly disclose and report on:

- how many redress applications have named:
  - an institution that has refused to join the Scheme
  - an institution that has refused to join the Scheme for longer than 12 months, and
- the names of those institutions (as per recommendation 12 of the Joint Standing Committee).

In addition, the Joint Standing Committee observed that some institutions ‘have declined to participate in the Scheme or are taking a long time to decide whether to join’ and that these institutions ‘may be hoping that any penalties (such as loss of their charitable status) will be lifted when the Scheme ceases in 2028’.<sup>143</sup> The Joint Standing Committee also observed that some institutions ‘may choose to remain in a grey area, where they neither join nor decline to join, while avoiding any consequences’,<sup>144</sup> reflecting:

*There should be options to place pressure on institutions who say they will join the Scheme, but in practice, try to remain hidden and intend to stay indecisive.*<sup>145</sup>

The Joint Standing Committee recommended that ‘the Australian Government consider, before the Scheme closes, what penalties will continue to be directed towards responsible institutions that did not participate in the Scheme’.<sup>146</sup> Knowmore supports this recommendation. In our view, institutions should not be permitted to simply ‘run down the clock’ on joining the NRS, nor should they be permitted to benefit from a calculation that it is in their financial or other interests to endure a temporary penalty, rather than join the NRS.

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<sup>143</sup> Joint Standing Committee, p 16, paragraph 1.75.

<sup>144</sup> Joint Standing Committee, p 15, paragraph 1.70.

<sup>145</sup> Joint Standing Committee, p 16, paragraph 1.73.

<sup>146</sup> Joint Standing Committee, p 16, recommendation 13.

We consider that continuing penalties for this conduct are appropriate for ensuring the accountability of institutions, and that the Australian Government should publicise its approach to these penalties before the legislated end of the NRS on 1 July 2028 to encourage relevant institutions to join. The relevant penalties should include an ongoing listing of the institution's name on a public register, and ongoing ineligibility for charitable status and government contracts.

### **Recommendation 11**

There should be continuing penalties for institutions responsible for child sexual abuse that do not join the NRS before 1 July 2028. The Australian Government should publicise its approach to these penalties before 1 July 2028 (consistent with recommendation 13 of the Joint Standing Committee). The relevant penalties should include an ongoing listing of the institution's name on a public register, and ongoing ineligibility for charitable status and government contracts.

## **Lack of an adequate quality assurance framework for the National Redress Scheme**

We make comments below about 2 matters relevant to the lack of an adequate quality assurance framework for the NRS:

- the lack of publicly available information about the NRS's quality assurance framework
- the need for the NRS to establish a Chief Independent Decision Maker.

### **Lack of publicly available information about the quality assurance framework**

The second year review considered that 'a lack of quality assurance processes' for the NRS was contributing to inconsistencies in decision-making.<sup>147</sup> As we explained in our submission to the second year review in September 2020:

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<sup>147</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 88.

*Without an effective quality assurance and/or quality control framework, there is likely to be an ongoing risk of unfairness and inconsistency in redress outcomes. There are a number of reasons for this, including the complex nature of the NRS and its legislative framework, the broad discretion given to IDMs, and the likely disparity in the quality of redress applications.<sup>148</sup>*

At the time of our submission to the second year review, we were not aware of whether the NRS had a quality assurance framework.<sup>149</sup> The Department of Social Services has since provided some information about its quality assurance processes to the Joint Standing Committee.<sup>150</sup> However, much remains unclear to us about the NRS's quality assurance processes. The significant, ongoing issues with the quality of the NRS's decision-making (detailed in this submission) raise our concerns as to the adequacy of the NRS's quality assurance framework.

In our submission to the second year review, we commented:

*If [an effective quality assurance] framework is not already in place, we would urge the NRS to introduce a quality assurance and/or quality control framework as a matter of priority. If one already exists, the NRS should publicly release information about it. Further, any quality [assurance] and/or quality control framework that is implemented should be subject to regular review to ensure that it remains relevant and effective.<sup>151</sup>*

We repeat these comments with urgency. In our view, the NRS's quality assurance framework should be detailed in a comprehensive, publicly available document, and should seek to ensure a survivor-focused, trauma-informed and culturally safe approach to all decisions made by the NRS (see the discussion on pages 21 to 23). It should (among other things):

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<sup>148</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, p 33.

<sup>149</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, p 33.

<sup>150</sup> See Joint Standing Committee, pp 83–84.

<sup>151</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, pp 33–34.

- ensure that victims and survivors are consistently provided with procedural fairness in both first instance decisions and internal review processes (see pages 56 to 59)
- ensure that victims and survivors are consistently provided with adequate written reasons for redress determinations, both at first instance and in internal review processes (see pages 59 to 63).

### Recommendation 12

The National Redress Scheme's quality assurance framework should be detailed in a comprehensive, publicly available document, and should seek to ensure a survivor-focused, trauma-informed and culturally safe approach to all decisions made by the NRS. It should (among other things):

- ensure that victims and survivors are consistently provided with procedural fairness in both first instance decisions and internal review processes
- ensure that victims and survivors are consistently provided with adequate written reasons for redress determinations, both at first instance and in internal review processes.

### Need for a Chief Independent Decision Maker

We also note that the second year review made the following recommendation relevant to improving the NRS's quality assurance processes (emphasis added).<sup>152</sup>

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<sup>152</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 90.

### Recommendation 3.9 of the second year review

#### **The Australian Government strengthen consistency and integrity in decision-making through actions including but not limited to:**

- a. the Australian Government providing accurate and clear policy guidance to independent decision makers
- b. the Australian Government, as a priority, reviewing and improving the information and training resources provided to independent decision makers
- c. **the Australian Government creating the position of a Chief independent decision maker to provide a systemic focus on Scheme integrity, quality assurance and consistency in decision-making**
- d. the development of a de-identified case database, available to assist independent decision makers.

The Australian Government has said it supports this recommendation.<sup>153</sup> However, the recommendation has not been implemented in full. In particular, our understanding is that the position of Chief Independent Decision Maker has not been created. Instead, ‘there is a group or panel of five chief IDMs, which was formed in April 2022 ... selected by “expression of interest” from among all existing IDMs’.<sup>154</sup> Just as we do not know who the Independent Decision Maker is for any particular survivor’s redress application (see the discussion on pages 61 to 63), we also do not know who the 5 Chief Independent Decision Makers are.

While we do not object to a group or panel of interested decision-makers playing a role in quality assurance, we note that this was not what was recommended by the second year and has significant limitations compared to the recommendation to establish a Chief Independent

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<sup>153</sup> Australian Government, *The Australian Government response to the Final Report of the Second Year Review of the National Redress Scheme*, p 10.

<sup>154</sup> Joint Standing Committee, p 79, paragraph 4.10. See also Australian Government, *The Australian Government response to the Final Report of the Second Year Review of the National Redress Scheme*, p 10. We note that the Australian Government’s response to the second year review states that the panel of Chief Independent Decision Makers was established in March 2022.

Decision Maker. In particular, we consider that a Chief Independent Decision Maker would ensure a degree of accountability and consistency that is difficult to achieve with a group or panel. We also consider that it should be publicly available information who the Chief Independent Decision Maker is, and that the Chief Independent Decision Maker should have a role in working with Knowmore and Redress Support Services to address systemic issues with decision-making by the NRS, such as those detailed in this submission.

### **Recommendation 13**

The Department of Social Services should ensure the full and urgent implementation of recommendation 3.9 of the second year review, including by 'creating the position of a Chief Independent Decision Maker to provide a systemic focus on Scheme integrity, quality assurance and consistency in decision-making'. The Chief Independent Decision Maker should have a role in working with Knowmore and Redress Support Services to address systemic issues with decision-making by the NRS, such as those detailed in this submission. The Department of Social Services should ensure it is publicly available information who the Chief Independent Decision Maker is.

As an interim measure, and for similar reasons, we recommend that the Department of Social Services make publicly available who the 5 Chief Independent Decision Makers are.

### **Recommendation 14**

As an interim measure to establishing a Chief Independent Decision Maker, the Department of Social Services should make publicly available who the 5 Chief Independent Decision Makers are.



# Responses to specific questions raised by the audit

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We address the following matters below in response to specific questions raised by the audit:

- information about the NRS
- the review process for decisions made by the NRS
- the complaint process for the NRS
- arrangements to monitor and report on the NRS.

## Information about the National Redress Scheme

We note that the present audit asks whether there is ‘sufficient and appropriate information’ about the NRS.<sup>155</sup> Before discussing this issue in more detail, we wish highlight an important point: the NRS is complex, and victims and survivors experience significant barriers to accessing redress. While access to information about the NRS is important and should be improved, it is not an adequate substitute for legal advice and related support. We make comments about the importance of legal advice and related support on pages 121 to 130.

As highlighted by our comments above, there is a lack of transparency about much important information about the NRS. This includes information about:

- the implementation status of review recommendations (see pages 28 to 31)
- the NRS’s approach to the protected information provisions (see pages 39 to 42)
- key policies, processes and practices affecting redress decisions (see pages 42 to 48)
- non-participating institutions and where they stand in relation to joining the NRS (see pages 63 to 68)

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<sup>155</sup> Australian National Audit Office, *Department of Social Services’ management of the National Redress Scheme*.

- the NRS’s quality assurance framework (see pages 68 to 72).

We make further comments below about:

- information to improve awareness of the NRS
- information in forms accessible to victims and survivors who experience heightened marginalisation.

## Information to improve awareness of the National Redress Scheme

As noted on page 29, the Joint Standing Committee recognised that ‘improvements to the Scheme are happening too slowly to be of greatest benefit to survivors’.<sup>156</sup> The Joint Standing Committee observed:

*Promoting awareness of the Scheme is a key example [of where some reforms are taking longer than expected or are simply not going to plan]. When the Scheme closes, some survivors could miss out on the opportunity to seek redress simply because they did not know about it.*<sup>157</sup>

This is consistent with our experience assisting victims and survivors of institutional child sexual abuse. As stated in our primary submission to the Joint Standing Committee in February 2023, one of Knowmore’s Aboriginal and Torres Strait Islander Engagement Advisors described the problem in the following way:

*Quite often we go to places and they’ve never heard of the NRS. We have to use a lot of our time explaining the NRS, which limits the time available to talk about what supports knowmore can provide. This is particularly a problem in regional, rural and remote areas.*<sup>158</sup>

It remains our experience that many victims and survivors of institutional child sexual abuse have never heard of the NRS. We are becoming increasingly concerned by this problem as the NRS draws closer to the legislated deadline for redress applications on 30 June 2027 (see the discussion on pages 98 to 105).

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<sup>156</sup> Joint Standing Committee, p 6, paragraph 1.22.

<sup>157</sup> Joint Standing Committee, p 6, paragraph 1.22.

<sup>158</sup> Knowmore, *Primary Submission to the Joint Standing Committee*, p 36.

The Joint Standing Committee made detailed recommendations to improve awareness of the NRS (recommendations 4 and 11), including that ‘the Department of Social Services urgently undertake a public information campaign to increase awareness of the Scheme and redress support services’.<sup>159</sup> We note that these recommendations are broadly consistent with recommendation 7.1 of the second year review, which the Australian Government has said it supports.<sup>160</sup> Knowmore supports these recommendations and calls for their urgent implementation.

### **Recommendation 15**

The Department of Social Services should urgently implement recommendations 4 and 11 of the Joint Standing Committee, including ‘urgently undertak[ing] a public information campaign to increase awareness of the National Redress Scheme and redress support services’.

## **Information in forms accessible to victims and survivors who experience heightened marginalisation**

As noted on page 23, problems with the NRS tend to disproportionately affect victims and survivors who experience heightened marginalisation. These problems include and are compounded by the fact that information about the NRS is often not provided in forms that are accessible to victims and survivors who experience heightened marginalisation. For example, the Joint Standing Committee observed:

*The redress application form (and related guidance) assumes the survivor is literate in English with regular Internet access. The process inherently disadvantages anyone with limited literacy, language barriers or communication impairments.*<sup>161</sup>

Knowmore and Redress Support Services play an important role in bridging the gap between inaccessible information, and the needs of victims and

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<sup>159</sup> Joint Standing Committee, pp 9 and 14, recommendations 4 and 11.

<sup>160</sup> Australian Government, *The Australian Government response to the Final Report of the Second Year Review of the National Redress Scheme*, p 25.

<sup>161</sup> Joint Standing Committee, p 10, paragraph 1.36.

survivors considering redress. We make further comments about the importance of legal and related support for victims and survivors on pages 121 to 130. However, we note that many victims and survivors do not have access to appropriate legal and related support. We are also concerned that a lack of accessible information about the NRS is yet another barrier to accessing redress for victims and survivors of institutional child sexual abuse.<sup>162</sup>

We particularly wish to highlight recommendations 5 and 6 of the Joint Standing Committee, which we extract below. While these recommendations are about much more than providing accessible information, they also illustrate how information can be provided in forms that are more accessible to victims and survivors who experience heightened marginalisation – for example, by:

- using plainer language and presentation
- providing information in languages other than English and in a variety of accessible formats
- adjusting communication style according to the victim/survivor's needs.

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<sup>162</sup> See, for example, Joint Standing Committee, p 10, paragraph 1.36; Knowmore, *Submission to the Australian Law Reform Commission Inquiry into justice responses to sexual violence*, 7 June 2024, pp 11–13, <[www.knowmore.org.au/wp-content/uploads/2024/06/submission-justice-responses-to-sexual-violence-cth.pdf](https://www.knowmore.org.au/wp-content/uploads/2024/06/submission-justice-responses-to-sexual-violence-cth.pdf)>.

### **Recommendation 5 of the Joint Standing Committee**

The Committee recommends that the Department of Social Services should:

- Make reasonable adjustments and allow exceptions to the Scheme's application procedures.
- Do this subject to individual circumstances and the risks in each case, such as where a survivor has severe disability or a communication barrier.

This should include:

- Steps for completing the redress application, including:
  - How questions must be answered.
  - Receiving information in alternative formats, including in languages other than spoken English.
- Procedures whereby a redress applicant's documents, identity or signatures can be witnessed or recorded by electronic or virtual means.

### **Recommendation 6 of the Joint Standing Committee**

The Committee recommends that the Department of Social Services:

- Develop ways for applicants (or their nominee) to track the progress of redress applications.
- Continue to develop plainer language and presentation in written communication.
- Continue to adjust communication style according to the survivor's needs, including correspondence from the Scheme to applicants.
- Take greater care to respect nominee arrangements.
- Continue to develop resources in languages other than English and in a variety of accessible formats.

Knowmore recommends that the Department of Social Services and the NRS ensure that adequate information about the NRS is provided in forms accessible to victims and survivors who experience heightened marginalisation, including by implementing recommendations 5 and 6 of the Joint Standing Committee. As noted above on page 76, this should include:

- using plainer language and presentation
- providing information in languages other than English and in a variety of accessible formats
- adjusting communication style according to the victim/survivor's needs.

### **Recommendation 16**

Knowmore recommends that the Department of Social Services and the National Redress Scheme ensure that adequate information about the NRS is provided in forms accessible to victims and survivors who experience heightened marginalisation, including by implementing recommendations 5 and 6 of the Joint Standing Committee. This should include:

- using plainer language and presentation
- providing information in languages other than English and in a variety of accessible formats
- adjusting communication style according to the victim/survivor's needs.

## **Review process for decisions made by the National Redress Scheme**

We noted above that the unfairness, inconsistency and lack of transparency in the review process for decisions made by the NRS is a significant problem (see page 33). We make further comments below about the following matters relevant to the review process:

- general comments about the review process for decisions made by the NRS

- comments about the NRS's internal review process
- comments about judicial review of decisions made by the NRS.

## General comments about the review process

Unlike many decisions by Australian Government agencies affecting the rights of individuals – for example, in social security, immigration, tax and National Disability Insurance Scheme (NDIS) matters – decisions made by the NRS cannot be reviewed by the Administrative Review Tribunal.<sup>163</sup>

Internal review is also not available for some types of decisions made by the NRS – for example, a decision that a person is not eligible to apply for redress due to the serious criminal convictions provisions of the NRS Act.<sup>164</sup> For these types of decisions, the only review option (if any) for a victim/survivor may be judicial review.

Overall, the review options for decisions made by the NRS are quite limited. As noted on page 56, this makes it especially important that all decisions made by the NRS are correct and procedurally fair, as there may be few or no avenues to address an incorrect or unfair decision.

## Internal review of redress decisions

On page 32 to 72, we made detailed comments about unfairness, inconsistency and lack of transparency in redress decisions. These comments are broadly relevant to both decisions at first instance and the NRS's internal review process. In particular, the impacts of unfairness, inconsistency and lack of transparency relevant to the internal review process include:

- making it difficult for us to advise victims and survivors about their options to seek review of a redress decision
- creating difficulties for victims and survivors in successfully challenging redress decisions
- creating additional distress for victims and survivors in navigating the internal review process.

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<sup>163</sup> *Administrative Decisions (Judicial Review) Act 1977* (Cth), section 3(1) and schedule 1, clause (zg). See generally Administrative Review Tribunal, accessed 3 June 2025, <[www.art.gov.au/](http://www.art.gov.au/)>.

<sup>164</sup> See Knowmore, *Submission to the Joint Select Committee on Implementation of the National Redress Scheme*, p 23.

We make many recommendations above to address unfairness, inconsistency and lack of transparency in redress decisions. Many of these recommendations would also improve victims' and survivors' experiences of the internal review process.

We make further comments below about:

- improving the NRS's approach to revocation and internal review processes
- ensuring that redress payments are not reduced as a result of the internal review process.

We also have concerns about delays in the internal review process, which we discuss on pages 94 to 97.

### **Improving the National Redress Scheme's approach to revocation and internal review processes**

Revocation and internal review are both important processes in relation to redress decisions under the legal framework for the NRS. Revocation cancels a redress decision.<sup>165</sup> Generally, this means that a new redress decision will be made by the same decision-maker. If the victim/survivor disagrees with the new redress decision, they can apply for an internal review.

Internal review results in a different decision-maker reviewing the original redress decision. The reviewing decision-maker can affirm, vary or set aside the original redress decision.<sup>166</sup> If the victim/survivor disagrees with the review decision, they cannot seek a further internal review. Generally, their only further options are:

- revocation (but only if substantial new information can be provided), or
- judicial review, where available (see the discussion on page 79 and pages 85 to 86).

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<sup>165</sup> Australian Government, *National Redress Guide*, Part 4, 1.1.R.65 Revocation, accessed 2 June 2025, <[www.guides.dss.gov.au/national-redress-guide/1/1/r/65](http://www.guides.dss.gov.au/national-redress-guide/1/1/r/65)>.

<sup>166</sup> NRS Act, section 75(2)(b); R Kruk AO, *Final Report: Second year review of the National Redress Scheme*, p 152.



In our experience, NRS staff often confuse the revocation and internal review processes, and lack a strong understanding of when each process may be appropriate or required for a victim/survivor's case. For example, if a victim/survivor wishes to have the NRS consider new information after the NRS has made a redress decision, the NRS has said that this will generally require an internal review, unless the new information fundamentally changes the application. This is despite the following considerations:

- There is no 'fundamental change' test for revocation of a redress decision in the relevant parts of the legal framework for the NRS.<sup>167</sup>
- The legal framework clearly contemplates revocation as an option when the NRS receives new information after the NRS has made a redress decision.<sup>168</sup>
- There are good reasons that a victim/survivor may seek a revocation, rather than an internal review – for example, because the original decision-maker is familiar with the victim/survivor's case or because the victim/survivor wishes to preserve their right to an internal review.

Conversely, the NRS has said it may choose to revoke a redress offer as a result of new information obtained as part of an internal review process, rather than completing the internal review.<sup>169</sup> This is despite the fact that the NRS Act generally requires the NRS to complete the internal review.<sup>170</sup> While there are exceptions to this,<sup>171</sup> the fact that new information has been obtained is not a relevant exception. We are concerned that the NRS's approach to new information obtained as part of the internal review process denies victims and survivors the right to have their redress offer reviewed by a different decision-maker and risks the redress offer being

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<sup>167</sup> See NRS Act, section 71; NRS Rules, sections 16–17.

<sup>168</sup> NRS Rules, section 17(2).

<sup>169</sup> We raised this issue in our supplementary submission to the Joint Standing Committee in July 2024. See Knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme: Seventh year of the National Redress Scheme*, p 34.

<sup>170</sup> Section 75 of the NRS Act provides that, if a person makes a valid application for internal review of a redress decision, then the NRS 'must' conduct the review.

<sup>171</sup> See, for example, NRS Act, section 75A(4).

reduced as a result of challenging the original decision (see further discussion below).

Issues of this nature when challenging redress decisions are often confusing and distressing for victims and survivors. While we can assist our clients to navigate such issues, we are especially concerned for victims and survivors who do not have appropriate legal and related support. We make further comments about the importance of this support on pages 121 to 130.

We recommend that the NRS review its approach to the revocation and internal review processes to ensure consistency with the legal framework for the NRS and a survivor-focused approach.

#### **Recommendation 17**

The National Redress Scheme should review its approach to the revocation and internal review processes to ensure consistency with the legal framework for the National Redress Scheme and a survivor-focused approach.

#### **Ensuring that redress payments are not reduced as a result of the internal review process**

The second year review made a significant recommendation to improve the internal review process for redress decisions, which we have extracted below (emphasis added).<sup>172</sup>

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<sup>172</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 159, recommendation 5.1.

### Recommendation 5.1 of the second year review

#### **The Australian Government review the process for internal review and amend the legislation to:**

- a. allow for the provision of additional information with an internal review request
- b. **ensure all review are to be without prejudice to the original determination (i.e. original payment determination cannot be reduced on review)**
- c. publish and make easily accessible an approved mandatory template for review requests.

The Australian Government has said it supports this recommendation.<sup>173</sup> However, the Australian Government has only implemented the recommendation in part. In particular, we are concerned that:

- the NRS can still reduce a redress payment as a result of the internal review process in some circumstances, including as a result of new information –<sup>174</sup> for example, as a result of new information about a prior payment to the victim/survivor<sup>175</sup>
- there are few limits on the NRS’s ability to request new information as part of the internal review process<sup>176</sup>
- the NRS is not required to complete the internal review process until the requested information is provided<sup>177</sup>
- as noted on page 81, the NRS has said it may choose to revoke a redress offer as a result of new information obtained as part of an internal review process, rather than completing the internal review –<sup>178</sup> we expressed our concerns about this approach on pages 81–82,

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<sup>173</sup> Australian Government, *The Australian Government response to the Final Report of the Second Year Review of the National Redress Scheme*, p 19.

<sup>174</sup> NRS Act, section 75(4).

<sup>175</sup> NRS Rules, rule 17(3).

<sup>176</sup> The NRS can request additional information as part of the internal review process if the reviewer ‘has reasonable grounds to believe that the person who has applied for review has information that may be relevant to the review’. See NRS Act, section 75A(1).

<sup>177</sup> NRS Act, section 75A(4).

<sup>178</sup> See NRS Rules, rule 17(2).

including that this approach risks a victim/survivor's redress offer being reduced as a result of challenging the original decision.

As a result, the review process continues to include deterrents for a victim/survivor who may wish to seek an internal review of their redress decision.<sup>179</sup> It continues to be a process that is not survivor-focused or trauma-informed.

The NRS has said that a victim/survivor can, in most circumstances, withdraw an application for internal review that would otherwise result in a redress payment being reduced.<sup>180</sup> While this is welcome, it falls significantly short of what was contemplated by the relevant recommendation of the second year review – namely, a clear legislative protection against a redress payment being reduced as a result of the internal review process in all circumstances.<sup>181</sup>

We consider that the NRS could implement operational measures to achieve further progress towards the relevant recommendation of the second year review, with or without legislative change. We recommend that the NRS adopt a formal practice to:

- allow a victim/survivor, in all circumstances, to withdraw an application for internal review that would otherwise result in a redress payment being reduced
- ensure there is no adverse impact for a victim/survivor if they choose not to provide new information in response to a request from the NRS as part of the internal review process.

This formal practice should be clearly articulated in publicly available material.

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<sup>179</sup> For further discussion, see Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, p 31.

<sup>180</sup> See NRS Act, section 74.

<sup>181</sup> For further comments about the necessary legislative protection, see Knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme: Seventh year of the National Redress Scheme*, pp 34-35, recommendation 8.

### Recommendation 18

The National Redress Scheme should adopt a formal practice to:

- allow a victim/survivor, in all circumstances, to withdraw an application for internal review that would otherwise result in a redress payment being reduced
- ensure there is no adverse impact for a victim/survivor if they choose not to provide new information in response to a request from the NRS as part of the internal review process.

This formal practice should be clearly articulated in publicly available material.

## Judicial review of decisions made by the National Redress Scheme

Judicial review, where available, is an important option for victims and survivors. This is illustrated by the experiences of our client who had to go to the Federal Court to get the abuse they experienced recognised as sexual abuse (see pages 53 to 54). This was unfortunately a case in which the internal review process failed to achieve justice for our client, or to resolve the issues in our client's case in a way that was efficient, effective or fair. It took judicial review for our client to receive the redress to which they were legally entitled.

However, the judicial review process has significant limitations. The former Joint Select Committee recognised:

*The judicial process would be very difficult for survivors to pursue. In addition to stress and legal costs, section 105(3) of the NRS Act allows the NRS to share protected information with courts and tribunals, but not with the applicant in the matter.*<sup>182</sup>

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<sup>182</sup> Joint Select Committee, *Second interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, p 47, paragraph 3.39.

These comments were mirrored by the Joint Standing Committee<sup>183</sup> and are broadly consistent with our experience. In our experience, the limitations of the judicial review process include:

- the grounds for review are narrow and legalistic – judicial review requires the victim/survivor to demonstrate that the NRS made an error of law
- judicial review of administrative decisions is a niche area of legal practice and generally briefing a barrister is essential, with pro bono assistance from a barrister not always available
- there is a risk that the victim/survivor will have to pay for the NRS's legal costs if the victim/survivor loses the case
- the court process is generally time-consuming and stressful
- victims and survivors often have concerns about confidentiality and privacy (see the discussion on pages 105 to 110), although it may be possible to mitigate these concerns through suppression orders.

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<sup>183</sup> Joint Standing Committee, pp 91–92.

## Complaint process for the National Redress Scheme

Since the first year of the NRS (the 2018–19 financial year), the NRS has consistently been one of the top 3 areas of complaints to the Department of Social Services.<sup>184</sup> The second year review reported that complaints ‘mainly related to service delivery experience, including delays in processing applications due to non-participating institutions, and redress outcomes’.<sup>185</sup> Similarly, the Joint Standing Committee made relevant comments, which we have extracted below.<sup>186</sup>

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<sup>184</sup> Department of Social Services (DSS), *Annual Report 2018–19*, accessed 2 June 2025, p 110, <[web.archive.org/awa/20211213211619mp\\_/https://www.dss.gov.au/sites/default/files/documents/10\\_2019/d19-1139120-dss-annual-report-2018-19.pdf](https://web.archive.org/awa/20211213211619mp_/https://www.dss.gov.au/sites/default/files/documents/10_2019/d19-1139120-dss-annual-report-2018-19.pdf)>; DSS, *Annual Report 2019–20*, accessed 2 June 2025, p 105, <[web.archive.org/awa/20211213024152mp\\_/https://www.dss.gov.au/sites/default/files/documents/06\\_2021/annual-report-downloaded-dss-website-link-transparency-portal-added-1-june2021.pdf](https://web.archive.org/awa/20211213024152mp_/https://www.dss.gov.au/sites/default/files/documents/06_2021/annual-report-downloaded-dss-website-link-transparency-portal-added-1-june2021.pdf)>; DSS, *Annual Report 2020–21*, accessed 2 June 2025, p 151, <[webarchive.nla.gov.au/awa/20221128084404/https://www.dss.gov.au/publications-articles-corporate-publications-annual-reports/department-of-social-services-annual-report-2021-22](https://webarchive.nla.gov.au/awa/20221128084404/https://www.dss.gov.au/publications-articles-corporate-publications-annual-reports/department-of-social-services-annual-report-2021-22)>; DSS, *Annual Report 2021–22*, accessed 2 June 2025, p 151, <[web.archive.org/awa/20230301013350mp\\_/https://www.dss.gov.au/sites/default/files/documents/10\\_2022/2021-22-annual-report.pdf](https://web.archive.org/awa/20230301013350mp_/https://www.dss.gov.au/sites/default/files/documents/10_2022/2021-22-annual-report.pdf)>; DSS, *Annual Report 2022–23*, accessed 2 June 2025, p 131, <[webarchive.nla.gov.au/awa/20231218084039/https://www.dss.gov.au/publications-articles-corporate-publications-annual-reports/department-of-social-services-annual-report-2022-23](https://webarchive.nla.gov.au/awa/20231218084039/https://www.dss.gov.au/publications-articles-corporate-publications-annual-reports/department-of-social-services-annual-report-2022-23)>; DSS, *Annual Report 2023–24*, accessed 2 June 2025, p 160, <[www.dss.gov.au/annual-reports/resource/department-social-services-annual-report-2023-24](https://www.dss.gov.au/annual-reports/resource/department-social-services-annual-report-2023-24)>.

<sup>185</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 194.

<sup>186</sup> Joint Standing Committee, p 218, paragraph 14.61.

### Extract from the Joint Standing Committee's report

The 'most common' complaints [about the NRS] related to:

- Applications (timeframes, eligibility and processes).
- Service (responsiveness, phone communication and redress support services).
- Institutions (non-participating, request for information process and direct personal response).

These comments are broadly consistent with our experience assisting victims and survivors to navigate the NRS. Our clients often wish to make complaints to the NRS about the following matters:

- a lack of trauma-informed care, including inappropriate or offensive comments from NRS staff
- delays in processing redress applications (see the discussion on pages 94 to 97)
- difficulties in accessing records (see the discussion on pages 49 to 50)
- breaches of confidentiality or privacy (see the discussion on pages 105 to 110).

The second year review observed that the NRS's complaint process 'often failed to resolve concerns or result in a satisfactory response' and that 'the Scheme's approach to complaints was found to lack empathy and a survivor focus'.<sup>187</sup> In our experience, these are ongoing issues with the NRS's complaint process, although some of our clients have received an empathetic approach to complaints from NRS staff. Overall, the NRS's complaint process is of limited effectiveness in resolving issues raised by our clients.

We note that the NRS's Service Charter includes the following Service Standard: 'We will learn from complaints and use them to improve the Scheme' (see the discussion about the NRS's Service Charter on pages 21 to 23 above).<sup>188</sup> Similarly, we note that reviews of the NRS commissioned by

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<sup>187</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 194.

<sup>188</sup> National Redress Scheme, *Service Charter for your National Redress Scheme*, p 15.



the Department of Social Services have ‘proposed significant changes to complaints handling including a culture change to one that ... learns from complaints in order to address the root cause systemically’.<sup>189</sup> The significant, ongoing issues with the transparency of the NRS makes it difficult for us to assess if and how this is happening (see the discussion on pages 28 to 31). We see limited evidence of improvements to the NRS in response to complaints from victims and survivors.

The second year review recommended that ‘the Australian Government commit to continue improvements in complaint management’ (recommendation 6.11).<sup>190</sup> The Australian Government has said it supports this recommendation.<sup>191</sup> However, it is unclear to us whether the Australian Government considers the recommendation to be fully implemented and whether there are further steps planned to improve the NRS’s complaint process (see the discussion on pages 28 to 31 about the need for greater transparency as to the implementation status of recommendations from previous reviews of the NRS).

Knowmore would welcome further improvements to the NRS’s complaint process. These improvements should prioritise matters identified by previous reviews of the NRS, including:

- effectively resolving concerns
- responding empathetically and with a survivor-focus
- learning from complaints in order to address root causes systemically.<sup>192</sup>

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<sup>189</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 194.

<sup>190</sup> Joint Standing Committee, p 195, recommendation 6.11.

<sup>191</sup> Australian Government, *The Australian Government response to the Final Report of the Second Year Review of the National Redress Scheme*, p 24.

<sup>192</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 194.

### Recommendation 19

The Australian Government should implement further improvements to the National Redress Scheme's complaint process (consistent with recommendation 6.11 of the second year review).

These improvements should prioritise matters identified by previous reviews of the NRS, including:

- effectively resolving concerns
- responding empathetically and with a survivor-focus
- learning from complaints in order to address root causes systemically.

## Arrangements to monitor and report on the National Redress Scheme

We note that the audit asks about the Department of Social Services' arrangements 'to monitor and report on' the NRS.<sup>193</sup>

We have limited information about any monitoring or reporting arrangements that may exist between the Department of Social Services and the NRS. However, as noted on pages 6 to 7, we have extensive experience contributing to major reviews of the NRS.

These reviews have played an important role in overseeing the implementation and operation of the NRS and driving improvements. The reviews have made valuable information about the NRS public, provided victims and survivors with opportunities to share their experiences of seeking redress, and made sound recommendations for improving the NRS. Knowmore has valued the opportunity to provide submissions and evidence to these reviews, informed by our nation-wide, multidisciplinary work assisting victims and survivors to seek redress. In particular, we have been grateful to the Joint Standing Committee and its predecessors for their collaborative approach to working with Knowmore, and their cross-

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<sup>193</sup> Australian National Audit Office, *Department of Social Services' management of the National Redress Scheme*.

party approach to improving the implementation of the NRS. For example, we note that the Joint Standing Committee's report in November 2024 was a unanimous, cross-party report.<sup>194</sup>

We also recognise the limitations of review processes. In particular, we shared our clients' experience of 'review fatigue' on pages 28 to 29. Further, as noted on page 29, the Joint Standing Committee recognised that 'improvements to the Scheme are happening too slowly to be of greatest benefit to survivors'.<sup>195</sup> Given the time-limited nature of the NRS, with the legislated deadline for NRS applications on 30 June 2027 and the legislated end of the NRS on 1 July 2028, we are concerned that the clock is ticking on many vital reforms (see the discussion on pages 6 to 7, pages 28 to 31 and pages 98 to 105).

We note that the NRS Act requires there to be an eighth year review of the NRS, which is due to begin in the second half of 2026.<sup>196</sup> The NRS Act details a significant number of matters that must be considered by the eighth year review.<sup>197</sup> The Joint Standing Committee has recommended additional matters to be considered by the eighth year review, including:

- the eventual end of the NRS (see pages 98 to 105 below)
- the NRS's 'capacity to finalise all applications before the Scheme closes' (see pages 98 to 105)
- laws to address claim farming (see pages 111 to 120).<sup>198</sup>

Knowmore recognises that the eighth year review is important and we look forward to participating fully in the review. At the same time, we are keen to ensure that further significant improvements to the NRS are implemented before the eighth year review. This is necessary as a matter of justice to victims and survivors, and for improving the efficiency, effectiveness and fairness of the NRS (see our general comments about the present audit on pages 21 to 23). Further, and noting the generally slow pace of reform, some matters simply cannot wait for the eighth year review in the second

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<sup>194</sup> Australian Parliament, *Report released – National Redress Scheme*, 26 November 2024, <[www.aph.gov.au/About\\_Parliament/House\\_of\\_Representatives/About\\_the\\_House\\_New\\_s/Media\\_Releases/Report\\_Released\\_National\\_Redress\\_Scheme](http://www.aph.gov.au/About_Parliament/House_of_Representatives/About_the_House_New_s/Media_Releases/Report_Released_National_Redress_Scheme)>.

<sup>195</sup> Joint Standing Committee, p 6, paragraph 1.22.

<sup>196</sup> NRS Act, section 192(3). See also Joint Standing Committee, p 232.

<sup>197</sup> NRS Act, sections 192(2) and 192(4).

<sup>198</sup> Joint Standing Committee, pp 26–27, recommendations 26 and 27.

half of 2026 – in particular, planning for the legislated deadline of NRS applications on 30 June 2027 and the legislated end of the NRS on 1 July 2028. We make further comments about this on pages 98 to 105 below.

We also note that the Joint Standing Committee recommended that the NRS's approach to virginity testing 'be the subject of a separate inquiry', presumably also before the eighth year review. Knowmore supports this recommendation (see our comments on pages 46 to 47).

# Other matters relevant to the efficiency, effectiveness and fairness of the National Redress Scheme

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As a nation-wide, independent community legal centre assisting victims and survivors of child abuse, we see many problems with the NRS that are preventing it from consistently delivering redress in a way that is efficient, effective and fair, having regard to the objects and principles of the NRS Act (see our general comments about the present audit on pages 21 to 23). Many of these problems are not new – they were foreshadowed by the Royal Commission and have been repeatedly raised by victims, survivors and support services throughout previous reviews of the NRS (see pages 26 to 31 above). They continue to have significant, adverse impacts on victims and survivors of institutional child sexual abuse.

We address the following matters of this nature below:

- delays in processing redress applications
- concern about the capacity of the NRS to deliver redress to all eligible victims and survivors
- breaches of victims' and survivors' confidentiality and privacy
- claim farming in relation to the NRS
- the importance of legal and related support for victims and survivors navigating the NRS.

## Delays in processing redress applications

Every major review of the NRS has raised concerns about delays in processing redress applications.<sup>199</sup> The second year review reported that the NRS takes an average of 12.5 months to process an application and 13.4 months to process a priority application, commenting that ‘applicants should not wait 13.4 months or more for an outcome’.<sup>200</sup> Despite this, there has been little to no improvement in processing times in the years following the second year review.

In fact, recent data indicates that processing times have gotten significantly worse since the end of the 2022–23 financial year. For example, the Department of Social Services reported that, in 2023–24, the NRS took an average of 14.9 months to process an application and 13.5 months to process a priority application.<sup>201</sup> The data that we are aware of for 2024–25 indicates that the NRS is taking an average of 17.6 months to process an application and 16.5 months to process a priority application.<sup>202</sup> Further, this data is likely to provide a conservative indication of average processing times, as the data dates to when an applicant was notified of a

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<sup>199</sup> Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, *Getting the National Redress Scheme right: An overdue step towards justice*, pp 151–153; Joint Select Committee, *First interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, pp 53–63; Joint Select Committee, *Second interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, pp 59 and 86–87; R Kruk AO, *Final report: Second year review of the National Redress Scheme*, pp 43–45 and 194; Joint Standing Committee, p 53.

<sup>200</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, pp 43 and 115.

<sup>201</sup> Department of Social Services, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme* (submission 9, supplementary submission 23), accessed 26 July 2024, p 27, <<https://www.aph.gov.au/DocumentStore.ashx?id=de17b49a-1b9d-416d-b0aa-f6f6e21ff514&subId=734158>>; Joint Standing Committee, p 5, Table 1.1.

<sup>202</sup> Department of Social Services, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme* (submission 9, supplementary submission 23), p 27.

redress outcome,<sup>203</sup> not when the application was finalised (the measure used in the second year review).<sup>204</sup>

It remains common for our clients to experience delays of this nature or longer. For example, our clients often wait 2 years to receive a redress outcome, even in matters that – to us – appear to be relatively straightforward. If a client applies for an internal review of a redress decision, they often have to wait a further 2 years to receive the review outcome, leading to a total wait time of 4 years or longer to receive a final outcome from the NRS. This waiting causes significant distress, as applicants sit with the anxiety of not knowing whether they will be believed and receive a redress payment.

The Joint Standing Committee recognised the impacts of delays on victims and survivors:

*After a redress application is lodged, the long wait for an outcome creates a fear of possible rejection. Elderly or unwell redress applicants may fear that they could die before knowing the outcome. They fear that the delays could be deliberate. The uncertainty creates anxiety and further trauma.*<sup>205</sup>

Similarly, the second year review stated:

*Many survivors interpret delays as a deliberate strategy by government of ‘waiting for them to die’ to reduce expenses.*<sup>206</sup>

The Joint Standing Committee also highlighted the impacts of delays on the efficiency of the NRS, illustrating how delays can create a vicious cycle that contributes to further delays:

*Understandably, anxious survivors and support services email or call the Scheme to ask for updates. Responding to queries likely diverts*

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<sup>203</sup> Department of Social Services, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme* (submission 9, supplementary submission 23), p 27.

<sup>204</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 44.

<sup>205</sup> Joint Standing Committee, p 10, paragraph 1.37.

<sup>206</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 194.

*Scheme staff away from tasks that could get redress applications processed sooner.*<sup>207</sup>

Knowmore holds particular concerns for survivors who are classified as priority clients due to advanced age and/or immediate and serious health concerns, including terminal cancer or other life-limiting illness. As noted on page 5, about 1 in 8 (12%) of Knowmore's clients are classified as priority clients.

Unfortunately, the issue of victims and survivors passing away without receiving a redress payment is a common experience in our work. As with delays generally, the issue has been noted by every major review of the NRS.<sup>208</sup> The issue disproportionately affects First Nations victims and survivors, due to the gap in life expectancy. On average, a First Nations man lives 8.5 years less than a non-First Nations man and a First Nations woman lives 7.5 years less than a non-First Nations woman.<sup>209</sup>

The Department of Social Services reported to the Joint Standing Committee that 230 applications had been determined to be 'Eligible (Deceased)'.<sup>210</sup> This is a conservative indication of scale of the problem, as it does not include redress applications that the NRS has determined to be ineligible after the victim/survivor has passed away, some of which may ultimately have been determined to be eligible upon review. It also does not include applications that the NRS has not yet determined to be eligible or ineligible.

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<sup>207</sup> Joint Standing Committee, p 10 paragraph 1.38

<sup>208</sup> Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, *Getting the National Redress Scheme right: An overdue step towards justice*, p 130; Joint Select Committee, *First interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, pp 31–32; Joint Select Committee, *Second interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, p 59; R Kruk AO, *Final report: second year review of the National Redress Scheme*, pp 43–45 and 194; Joint Standing Committee, p 53.

<sup>209</sup> Joint Standing Committee, p 76, paragraph 3.167.

<sup>210</sup> Department of Social Services, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme* (submission 9, supplementary submission 23), p 16; Joint Standing Committee, p 18, Table 1.4.



The causes of delay have been discussed at length by the previous major reviews of the NRS.<sup>211</sup> These causes include, but are not limited to, the delay in institutions joining the NRS and issues around the onboarding of institutions (see the discussion on pages 63 to 68). Due to the lack of transparency from the NRS, discussed in our submission to the present audit (see pages 21 to 23 and pages 32 to 72),<sup>212</sup> we often do not have a clear understanding of why the processing of a victim/survivor's application has been delayed. Addressing the non-participation of institutions is therefore only part of what is required to respond to unacceptable delays.<sup>213</sup> Improving transparency will also assist us and other support services to identify and respond effectively to the specific causes of delay, both in particular cases and systemically.<sup>214</sup>

On page 66, we shared the experience of a current Knowmore client, who has been waiting almost 4 and a half years to receive a redress outcome. For a further illustration of these issues, we refer to our submission to the former Joint Select Committee in April 2020, which also shares relevant experiences of one of our clients.<sup>215</sup>

Delays in processing applications for redress raise further concerns about the capacity of the NRS to deliver redress to all eligible victims and survivors before the legislated end of the NRS on 1 July 2028. We make further comments about this below.

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<sup>211</sup> See, for example, Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, *Getting the National Redress Scheme right: An overdue step towards justice*, pp 151–153; Joint Select Committee, *First interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, pp 53–63; Joint Select Committee, *Second interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, pp 59 and 86–87; R Kruk AO, *Final report: second year review of the National Redress Scheme*, pp 43–45 and 194; Joint Standing Committee, p 53.

<sup>212</sup> Knowmore, *Primary Submission to the Joint Standing Committee*, pp 16–19 and 66–72.

<sup>213</sup> Knowmore, *Primary Submission to the Joint Standing Committee*, pp 8–9, recommendations 4 and 5.

<sup>214</sup> Knowmore, *Primary Submission to the Joint Standing Committee*, pp 8 and 12–13, recommendations 1 and 26–31.

<sup>215</sup> Knowmore, *Submission to the Joint Select Committee on Implementation of the National Redress Scheme*, p 9.

## Concern about the capacity of the National Redress Scheme to deliver redress to all eligible victims and survivors

The Royal Commission recommended that the redress scheme have no fixed closing date.<sup>216</sup> Despite this, the NRS Act has specified 30 June 2027 as the closing date for redress applications and 1 July 2028 as the end date for the NRS.<sup>217</sup>

The Joint Standing Committee recognised that the NRS ‘is running out of time’,<sup>218</sup> commenting that:

*Unless redress applications suddenly decrease, based on recent trends, our analysis suggests that the Scheme will be unable to provide redress to all eligible applicants on time.*<sup>219</sup>

The number of redress applications is unlikely to suddenly or significantly decrease in the coming years. The number of redress applications has increased every year since the end of the first year of the NRS (2018–19).<sup>220</sup> In 2023–24, 16,324 people applied for redress –<sup>221</sup> a 52% increase on the 2022–23 record of 10,723 applications.<sup>222</sup> This was itself almost double the record for 2021–22 of 5,987 applications.<sup>223</sup> The consistent, year-on-year growth in redress applications has taken place despite the limited public awareness of the NRS, which we hope will be addressed (see the discussion on pages 74 to 75).

We acknowledge that the NRS has its own resourcing limitations that may impact on its capacity. As noted on page 93, Knowmore holds concerns about the capacity of the NRS to deliver redress to all eligible victims and

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<sup>216</sup> Royal Commission, *Redress and civil litigation report*, p 38.

<sup>217</sup> NRS Act sections 20(1)(e) and 193(1); Australian Government, *National Redress Guide*, Part 2.5 Timeframe to lodge application and Part 9.3.7 Scheme sunset day, accessed 2 June 2025, <[www.guides.dss.gov.au/national-redress-guide](http://www.guides.dss.gov.au/national-redress-guide)>.

<sup>218</sup> Joint Standing Committee, p 4.

<sup>219</sup> Joint Standing Committee, p 8, paragraph 1.27.

<sup>220</sup> Joint Standing Committee, p 41.

<sup>221</sup> DSS, *Annual Report 2023–24*, p 142.

<sup>222</sup> DSS, *Annual Report 2022–23*, p 115.

<sup>223</sup> DSS, *Annual Report 2021–22*, p 136.

survivors before the legislated end of the NRS on 1 July 2028. Our comments below address the following matters:

- data about the number of eligible victims and survivors who have applied for redress
- data about delays in processing redress applications
- our concern that the NRS and the redress support system for victims and survivors is approaching a dangerous crunch point in the final year of the NRS
- our recommendations relevant to the capacity of the NRS to deliver redress to all eligible victims and survivors
- the importance of ongoing access to meaningful redress and justice-making options for victims and survivors of institutional child sexual abuse.

### Data about the number of eligible victims and survivors who have applied for redress

The Royal Commission estimated that 60,000 eligible victims and survivors would make a claim for redress.<sup>224</sup> However, the NRS reported that, as at 2 May 2025, only 18,740 redress payments had been made.<sup>225</sup> This figure is only of partial assistance in considering the NRS's capacity to deliver redress to all eligible victims and survivors, as it does not directly correspond to the Royal Commission's estimate that 60,000 eligible victims and survivors would make an application for redress. For example, it presumably does not include victims and survivors who were found eligible but rejected a redress offer, or victims and survivors who accepted a redress offer with a nil payment.<sup>226</sup> Nonetheless, the figure indicates that, well past the halfway point for the NRS (around 1 July 2023), less than a third (31%) of eligible victims and survivors had applied for and received a redress payment.

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<sup>224</sup> Royal Commission, *Redress and civil litigation report*, p 22.

<sup>225</sup> National Redress Scheme, *May 2025*.

<sup>226</sup> Similarly, the number of applications made to the NRS is only of partial assistance, as it presumably includes applications that do not lead to an eligible outcome. See National Redress Scheme, *May 2025*.

## Data about delays in processing applications

As highlighted by our comments above (see pages 94 to 97), delays in processing redress applications raise further concerns about the capacity of the NRS to deliver redress to all eligible victims and survivors. In particular:

- processing times for applications have seen little to no improvement since the second year review and have become significantly worse since the end of the 2022–23 financial year, despite the persistent concern of major reviews
- recent data conservatively suggests that, in the 2024–25 financial year, the NRS is taking an average of 17.6 months to process an application.

Further, the Department of Social Services reported that the NRS finalised 4,044 applications in the 2023–24 financial year.<sup>227</sup> If the NRS maintains this rate of processing, it will finalise a further 16,176 applications by the end of the NRS, not all of which will lead to eligible outcomes. This will not clear the present backlog of applications (36,085 applications as at 2 May 2025),<sup>228</sup> let alone deliver redress to all eligible victims and survivors by the end of the NRS.

We note that the 2024–25 federal budget and the 2025–26 federal budget committed additional funding to the redress support system.<sup>229</sup> We welcome this funding – we hope it will assist to reduce NRS processing times, although we continue to hold concerns about the security and adequacy of funding for survivor support services (see the discussion on pages 126 to 130).

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<sup>227</sup> National Redress Scheme, *Strategic Success Measures*, June 2024, p 5, <[www.nationalredress.gov.au/sites/default/files/documents/2024-10/strategic-success-measure-report-june-2024-final.pdf](http://www.nationalredress.gov.au/sites/default/files/documents/2024-10/strategic-success-measure-report-june-2024-final.pdf)>.

<sup>228</sup> National Redress Scheme, *May 2025*.

<sup>229</sup> Australian Government, *Budget 2024–25: budget paper no. 2, budget measures*, 14 May 2024, p 174, <[archive.budget.gov.au/2024-25/bp2/download/bp2\\_2024-25.pdf](http://archive.budget.gov.au/2024-25/bp2/download/bp2_2024-25.pdf)>; Attorney-General's Department, *Budget 2024–25 Portfolio Budget Statements – Entity resources and planned performance*, p 22, <[www.ag.gov.au/system/files/2024-05/2024-25\\_AG\\_PBS\\_AGD.PDF](http://www.ag.gov.au/system/files/2024-05/2024-25_AG_PBS_AGD.PDF)>; Attorney-General's Department, *Budget 2025–26 Portfolio Budget Statements – Entity resources and planned performance*, p 21, <[www.ag.gov.au/system/files/2025-03/2025-26-AG-PBS-AGD.PDF](http://www.ag.gov.au/system/files/2025-03/2025-26-AG-PBS-AGD.PDF)>.

## A dangerous crunch point for the National Redress Scheme

In light of the issues discussed above, Knowmore is concerned that we are approaching a dangerous crunch point for the NRS. The experience of other redress schemes suggests that there will be a surge in redress applications just before the legislated deadline for applications on 30 June 2027.<sup>230</sup> Knowmore recognises and supports victims' and survivors' legal right to apply for redress at any time before the deadline. However, we are also concerned that the final year of the NRS (30 June 2027 to 1 July 2028) is likely to be accompanied by increased pressure on an already overwhelmed system of survivor support services and an extension of the already lengthy delays in processing redress applications.

We noted (on page 94) that average processing times for redress applications continue to exceed 12 months and are worsening. In light of this, and the other data discussed above, we hold serious concerns that the NRS will not be in a position to process the volume of applications required in the final year of the NRS, let alone to do this in a way that is survivor-focused, trauma-informed and culturally safe.

We are facing a situation in which many thousands of eligible victims and survivors of institutional child sexual abuse are at risk of missing out on the redress that they are legally entitled to, with many thousands more facing retraumatisation with the approaching NRS crunch point.

## Recommendations relevant to the capacity of the National Redress Scheme to deliver redress to all eligible victims and survivors

As highlighted by our comments on pages 91 to 92, these issues cannot wait for the eighth year review of the NRS, which is not due to begin until the second half of 2026.<sup>231</sup> Knowmore recommends that the Department of Social Services immediately prioritise planning for the legislated deadline for redress applications and the legislated end of the NRS. This planning should take place via a transparent process, and should be in partnership

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<sup>230</sup> NRS Act, section 20(1)(e). See also Finity Consulting, *National Redress Scheme participant and cost estimates*, July 2015, p 30, <[www.childabuseroyalcommission.gov.au/sites/default/files/file-list/national\\_redress\\_scheme\\_participant\\_and\\_cost\\_estimates\\_report.pdf](http://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/national_redress_scheme_participant_and_cost_estimates_report.pdf)>.

<sup>231</sup> NRS Act, section 192(3).

with victims, survivors and support services, including Knowmore and the Redress Support Services.

### **Recommendation 20**

The Department of Social Services immediately prioritise planning for the legislated deadline for redress applications and the legislated end of the National Redress Scheme. This planning should take place via a transparent process, and should be in partnership with victims, survivors and support services, including Knowmore and the Redress Support Services.

We note that the Joint Standing Committee recommended that ‘the Australian Government seek agreement from state and territory governments to extend the National Redress Scheme beyond 2028’ (recommendation 1).<sup>232</sup> Knowmore supports this recommendation. In particular, we recommend that:

- the deadline for applications to the NRS should be extended by an initial period of at least 12 months, with consideration given to further extensions if needed, and
- the end of the NRS should be extended to reflect the actual processing times for redress applications, noting that an average processing time of 17.6 months indicates that many applications take even longer (see our comments about some applications taking 4 years or longer on pages 94 to 97).

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<sup>232</sup> Joint Standing Committee, p 9, recommendation 1.

### Recommendation 21

The Australian Government should 'seek agreement from state and territory governments to extend the National Redress Scheme beyond 2028' (as per recommendation 1 of the Joint Standing Committee). In particular:

- the deadline for applications to the NRS should be extended by an initial period of at least 12 months, with consideration given to further extensions if needed, and
- the end of the NRS should be extended to reflect the actual processing times for redress applications, noting that an average processing time of 17.6 months indicates that many applications take even longer than this.

The Joint Standing Committee made recommendations relevant to the funding of Knowmore and Redress Support Services in the context of the legislated deadline for applications to the NRS and the legislated end of the NRS. We make further comments about these recommendations on pages 129 to 130.

### The importance of ongoing access to meaningful redress and justice-making options

We note that victims and survivors who experienced institutional child sexual abuse after 30 June 2018 are not eligible for the NRS,<sup>233</sup> highlighting a significant and growing gap in the redress and justice-making options available to many victims and survivors of institutional child sexual abuse. Planning for the legislated end of the NRS must also include planning to ensure that victims and survivors have ongoing access to meaningful redress and justice-making options. In this respect, we note the comments of the Joint Standing Committee about redress and reparation schemes generally:

*There are a growing number of redress or reparation schemes around Australia. Their scope, eligibility and design have variations*

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<sup>233</sup> NRS Act, section 14(1)(c).



*(or possibly overlap). Each is administered separately. This adds complexity to options available to survivors.*<sup>234</sup>

This is consistent with our experience assisting victims and survivors of child abuse. We frequently see significant inconsistencies and complex interactions between various redress, reparation and support options for victims and survivors.<sup>235</sup> These inconsistencies and interactions often have adverse impacts on the efficiency, effectiveness and fairness of both the NRS and other redress, reparation and support options (see the discussion on pages 21 to 23). These inconsistencies and interactions also further complicate the process of planning for the legislated end of the NRS.

The Joint Standing Committee made the following recommendation relevant to ensuring the consistency, coherence and effectiveness of redress and reparation options across Australia.<sup>236</sup>

#### **Recommendation 29 of the Joint Standing Committee**

The Committee recommends that the Australian Government work with state and territory governments on a national framework for redress and/or reparation schemes. This could include developing knowledge around best practices, scheme design and administration.

Knowmore supports this recommendation. We consider that developing a national framework for redress and/or reparation schemes should form part of planning for the legislated end of the NRS (see recommendation 20 on page 102). As with planning for the end of the NRS broadly, we consider that developing a national framework for redress and/or reparation schemes should take place via a transparent process and should be in partnership with victims, survivors and support services, including Knowmore and the Redress Support Services.

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<sup>234</sup> Joint Standing Committee, p 27, paragraph 1.141.

<sup>235</sup> See Knowmore, *Submission to the Australian Law Reform Commission Inquiry into justice responses to sexual violence*, p 47.

<sup>236</sup> Joint Standing Committee, p 27, recommendation 29.



## Recommendation 22

The Australian Government should work with state and territory governments on a national framework for redress and/or reparation schemes. This should include developing knowledge around best practices, scheme design and administration (consistent with recommendation 29 of the Joint Standing Committee).

Developing a national framework for redress and/or reparation schemes should form part of planning for the legislated end of the NRS (see recommendation 20). As with planning for the end of the NRS broadly, developing a national framework for redress and/or reparation schemes should take place via a transparent process and should be in partnership with victims, survivors and support services, including Knowmore and the Redress Support Services.

A national framework for redress and/or reparation schemes should include access to the legal and related support needed to effectively navigate the relevant redress and/or reparation schemes. We make further comments about this on pages 129 to 130.

## Breaches of victims' and survivors' confidentiality and privacy

The Royal Commission noted the 'multiple, intertwined barriers' to disclosing child sexual abuse that most victims and survivors face.<sup>237</sup> A significant barrier faced by many victims and survivors is a 'fear that a disclosure will not be kept confidential'.<sup>238</sup> As the Royal Commission explained, victims and survivors:

*... may fear if they disclose the abuse, they may lose cultural support or be ostracised by their social networks and broader community. Issues around confidentiality may be particularly relevant for*

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<sup>237</sup> Royal Commission, *Final Report: Volume 4, Identifying and disclosing child sexual abuse*, p 77.

<sup>238</sup> Royal Commission, *Final Report: Volume 4, Identifying and disclosing child sexual abuse*, p 85.

*children in out-of-home care and schools, and for those in small, rural or remote communities, or minority cultural groups.*<sup>239</sup>

In light of this, we are deeply concerned by ongoing breaches of confidentiality and privacy in relation to victims' and survivors' information. In March 2021, the second year review reported that the Department of Social Services had notified the Office of the Australian Information Commissioner of 13 eligible data breaches by the NRS, 'all of which amounted to unauthorised disclosures of personal and protected information under the Act' (see the outline of the protected information provisions on pp 37 to 39 above).<sup>240</sup>

The second year review reported that:

*The Scheme has also provided a request for information containing protected information to the wrong institution on 98 occasions between 2018 and 2021. This resulted in information about an applicant being inadvertently provided to the incorrect recipient.*<sup>241</sup>

The former Joint Select Committee sought updated information about privacy breaches from the Department of Social Services in September 2021, but the Department did not provide a response before the committee's second interim report was published in November 2021.<sup>242</sup>

In our experience, there remain ongoing issues with victims' and survivors' information being inappropriately disclosed to institutions, perpetrators and other people. These issues include inappropriate disclosures by both the NRS and institutions, and relate both to what information is disclosed and how the disclosure is handled. For example, we continue to see cases in which:

- victims' and survivors' information is disclosed without a clear reason for the disclosure
- more information than necessary is disclosed

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<sup>239</sup> Royal Commission, *Final Report: Volume 4, Identifying and disclosing child sexual abuse*, p 85.

<sup>240</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 99.

<sup>241</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 99.

<sup>242</sup> Joint Select Committee, *Second interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, p 15.

- information is disclosed without consulting with the victim/survivor, or without seeking the victim/survivor's genuine and informed consent
- victims and survivors are not given clear or timely information about who their information has been shared with or why.

These ongoing issues illustrate inadequate protections for victims' and survivors' information under the NRS Act, and in the practices of the NRS and institutions. The second year review highlighted some of our key concerns about the inadequate protections for victims' and survivors' information:

*While the NRS Act provides that before disclosing protected information the institution must have regard to the impact the disclosure may have on the survivor, there is no legislative requirement that the survivor be consulted or provide consent before the institution can use and/or disclose their personal information as part of these processes.<sup>243</sup>*

Knowmore is very concerned that institutions may disclose a victim/survivor's personal information to a perpetrator without the victim/survivor's informed consent. There are many reasons why victims and survivors of institutional child sexual abuse may not want their identity or other personal information to be disclosed to the perpetrator, including that it may put them at further risk of harm from the perpetrator. It is also likely to be re-traumatising for victims and survivors, who may be reminded of the feelings of powerlessness they experienced as children towards the perpetrator or the institution,<sup>244</sup> and it is likely to worsen the difficulties that many victims and survivors have in trusting institutions.<sup>245</sup>

In our primary submission to the Joint Standing Committee in February 2023, we made recommendations to improve the legislative protections of

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<sup>243</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 99.

<sup>244</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 99; Knowmore, *Submission to the Joint Select Committee on Implementation of the National Redress Scheme*, p 33.

<sup>245</sup> Royal Commission, *Final report: volume 3, impacts*, pp 138–140.

victims' and survivors' information.<sup>246</sup> We acknowledge that these are not a focus of the present audit (see the discussion on pages 21 to 23, pages 28 to 31, and pages 36 to 37). However, we also consider that the NRS could implement operational measures to achieve progress towards these recommendations, with or without legislative change.

In particular, we consider that the NRS should adopt a formal practice of consulting with victims and survivors, and obtaining their genuine and informed consent, before disclosing their information. We recognise that there may be exceptional circumstances where the law requires information to be disclosed — for example, for child safety purposes.<sup>247</sup> In these circumstances, the NRS should handle the disclosure in a trauma-informed way that minimises the impacts on the victim/survivor. For example, the NRS should take reasonable steps to:

- inform the victim/survivor of what information must be disclosed, who it must be disclosed to and why
- allow the victim/survivor to disclose the information themselves, if this is practicable and the victim/survivor wishes to do so.

This formal practice should be clearly articulated in publicly available material. We acknowledge that there is some general information available on the NRS website,<sup>248</sup> although this falls significantly short of a commitment to a formal practice of the nature outlined above.

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<sup>246</sup> Knowmore, *Primary Submission to the Joint Standing Committee*, p 13, recommendations 32–33.

<sup>247</sup> Section 94 of the NRS Act allows the NRS to disclose protected information to a relevant government institution if the NRS is satisfied that the disclosure is reasonably necessary for the enforcement of the criminal law, or the safety and wellbeing of children. All states and territories have mandatory reporting laws that require particular people to report child safety concerns in particular circumstances. The requirements are different in each state and territory — see, for example, section 26 of the Northern Territory's *Care and Protection of Children Act 2007* and section 124B of Western Australia's *Children and Community Services Act 2004*.

<sup>248</sup> National Redress Scheme, *What we do with your information*, 11 February 2025, accessed 2 June 2025, <[www.nationalredress.gov.au/apply/what-we-do-your-information](https://www.nationalredress.gov.au/apply/what-we-do-your-information)>.

### Recommendation 23

The National Redress Scheme should adopt a formal practice of consulting with victims and survivors, and obtaining their genuine and informed consent, before disclosing their information. In exceptional circumstances where the law requires information to be disclosed, the National Redress Scheme should handle the disclosure in a trauma-informed way that minimises the impacts on the victim/survivor. For example, the National Redress Scheme should take reasonable steps to:

- inform the victim/survivor of what information must be disclosed, who it must be disclosed to and why
- allow the victim/survivor to disclose the information themselves, if this is practicable and the victim/survivor wishes to do so.

This formal practice should be clearly articulated in publicly available material.

The NRS should also adopt a formal practice of taking reasonable steps to ensure that institutions comply with the protected information provisions of the NRS Act in relation to victims' and survivors' information, and do not otherwise breach the confidentiality and privacy of victims and survivors. Taking reasonable steps should include:

- educating institutions about their responsibilities in relation to victims' and survivors' information under the protected information provisions of the NRS Act and other relevant laws, such as the *Privacy Act 1988*
- if a breach of confidentiality or privacy occurs:
  - promptly informing the victim/survivor
  - consulting with the victim/survivor as to how the victim/survivor wishes for the NRS to address the breach
  - obtaining the victim/survivor's genuine and informed consent as to what steps the NRS will take to address the breach
  - referring the breach to the relevant authorities, or assisting the victim/survivor to refer the breach to the relevant authorities

themselves, if this is how the victim/survivor wishes for the NRS to address the breach.

This formal practice should be clearly articulated in publicly available material.

### Recommendation 24

The National Redress Scheme should adopt a formal practice of taking reasonable steps to ensure that institutions comply with the protected information provisions of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* in relation to victims' and survivors' information, and do not otherwise breach the confidentiality and privacy of victims and survivors. Taking reasonable steps should include:

- educating institutions about their responsibilities in relation to victims' and survivors' information under the protected information provisions of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* and other relevant laws, such as the *Privacy Act 1988*
- if a breach of confidentiality or privacy occurs:
  - promptly informing the victim/survivor
  - consulting with the victim/survivor as to how the victim/survivor wishes for the National Redress Scheme to address the breach
  - obtaining the victim/survivor's genuine and informed consent as to what steps the National Redress Scheme will take to address the breach
  - referring the breach to the relevant authorities, or assisting the victim/survivor to refer the breach to the relevant authorities themselves, if this is how the victim/survivor wishes for the National Redress Scheme to address the breach.

This formal practice should be clearly articulated in publicly available material.

## Claim farming in relation to the National Redress Scheme

Claim farming refers to an exploitative business practice that usually involves someone (a ‘claim farmer’) contacting a victim/survivor without their permission and selling their information to a law firm, which then usually sends the victim/survivor a costs agreement that includes fees to be paid to the claim farmer. In the context of the NRS, claim farmers are sometimes referred to as ‘survivor advocates’ or ‘survivor advocacy businesses’.<sup>249</sup> This reflects the fact that claim farmers often market themselves as survivor advocates,<sup>250</sup> disguising their exploitative practices. There are, of course, legitimate survivor advocates and survivor advocacy organisations that assist victims and survivors, without exploitation.

Claim farming and related practices targeting victims and survivors of institutional child sexual abuse have been extensively documented, including by the Joint Standing Committee and the former Joint Select Committee.<sup>251</sup> Knowmore has repeatedly raised the issue in our advocacy,<sup>252</sup> and we continue to receive regular reports of these practices from our clients and Redress Support Services.

We note that the issue of claim farming in relation to the NRS is closely related to claim farming in other contexts – for example, claim farming in relation to civil claims for institutional child sexual abuse. For detailed

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<sup>249</sup> See, for example, Joint Select Committee, *Second interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, pp 70–71.

<sup>250</sup> See Joint Standing Committee, p 157, paragraph 10.

<sup>251</sup> Joint Select Committee, *Second interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, pp 69–74; Joint Standing Committee, pp 157–163.

<sup>252</sup> See, for example, Knowmore, *Submission to the Joint Select Committee on Implementation of the National Redress Scheme*, pp 32–33; Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, pp 52–56; Knowmore, *Primary Submission to the Joint Standing Committee*, pp 57–62.



comments about claim farming in relation to civil claims, we refer to our previous submissions.<sup>253</sup>

We make comments below about the following matters:

- general comments about claim farming in relation to the NRS
- strategies to address claim farming in relation to the NRS, noting the important role of the Department of Social Services as the administrator of the NRS.

## General comments about claim farming in relation to the National Redress Scheme

Claim farming and related practices continue to be a significant problem, impacting victims and survivors navigating their redress and compensation options, including under the NRS. Despite this, there has been a lack of coordinated action to combat these practices, and protect victims and survivors from exploitation.

Claim farming businesses are effectively paid referral fees by law firms for introducing clients and passing on initial information, which is often very limited. These services come at a significant cost, which is ultimately borne by the victim/survivor. The fees charged by claim farming businesses can amount to many thousands of dollars, often for what appears to be very limited work and/or work that a law firm would in any event be required to do itself for the client in the course of acting for the client – for example, gathering preliminary information and documents.

Claim farming is associated with a range of exploitative practices, such as:

- cold calling victims and survivors to pursue redress and/or compensation claims because of their experience of child sexual

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<sup>253</sup> See, for example, *Primary Submission to the Joint Standing Committee*, pp 61–62; Knowmore, *Draft Claim Farming Practices Prohibition Bill 2025: Submission to the NSW Department of Communities and Justice*, 14 February 2025, pp 11–13, <[www.knowmore.org.au/wp-content/uploads/2025/03/submission-draft-claim-farming-practices-prohibition-bill-2025-nsw.pdf](http://www.knowmore.org.au/wp-content/uploads/2025/03/submission-draft-claim-farming-practices-prohibition-bill-2025-nsw.pdf)>; Knowmore, *Personal Injuries Proceedings and Other Legislation Amendment Bill 2022: Submission to the Legal Affairs and Safety Committee*, 22 April 2022, pp 6–8, <[www.knowmore.org.au/wp-content/uploads/2022/05/submission-personal-injuries-proceedings-and-other-legislation-amendment-bill-2022-qld.pdf](http://www.knowmore.org.au/wp-content/uploads/2022/05/submission-personal-injuries-proceedings-and-other-legislation-amendment-bill-2022-qld.pdf)>.



abuse – many of our clients have described distressing experiences of being unexpectedly contacted by law firms and claim farming businesses, including in-person, by mail, by email and by phone

- subjecting victims and survivors to harassment, intimidation and high-pressure tactics, and asking victims and survivors to sign legal documents that they do not understand
- asking people to disclose the names of other people who they think have experienced child sexual abuse, and paying people in exchange for the names of victims and survivors
- charging victims and survivors excessive fees for NRS applications – for example, we have heard of some private law firms proposing to charge victims and survivors between \$10,000 and \$30,000 to assist with NRS applications
- charging victims and survivors for services that are not of an acceptable professional standard and are not delivered in a trauma-informed or culturally safe manner
- not informing victims and survivors that free support is available from Knowmore and Redress Support Services
- claiming that private law firms can achieve better results from the NRS than free support services like Knowmore and the Redress Support Services (when, in fact, survivors who receive support from Knowmore or a Redress Support Service receive higher redress payments on average than survivors who receive support from other legal services)<sup>254</sup>
- providing incorrect information to survivors, such as telling survivors who have accepted an offer of redress from the NRS that the survivor can make another redress application to the NRS and/or that they can get the survivor additional compensation (when, in fact, a survivor who accepts an NRS offer cannot later make another redress application to the NRS,<sup>255</sup> or a civil claim against the same institution or official for abuse within the scope of the NRS).<sup>256</sup>

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<sup>254</sup> Department of Social Services, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme* (submission 9, supplementary submission 23), p 31; Joint Standing Committee, p 166, paragraph 11.8.

<sup>255</sup> NRS Act, section 20(1)(a).

<sup>256</sup> NRS Act, sections 42 and 43; Australian Government, *National Redress Guide*, Part 4.6 Accepting an offer of redress, accessed 2 June 2025, <[www.guides.dss.gov.au/national-redress-guide/4/6](http://www.guides.dss.gov.au/national-redress-guide/4/6)>.

Claim farming and related practices often target victims and survivors who experience heightened marginalisation, including victims and survivors who are Aboriginal and/or Torres Strait Islander, in prison, or living in rural, regional or remote communities. We have observed a particularly strong and concerning trend in recent years of claim farming and related practices within Australian prisons.<sup>257</sup>

Claim farming and related practices have also been linked to concerns about fraudulent claims of abuse. For example, there have been recent media reports of arrests in New South Wales in relation to alleged fraudulent claims of child sexual abuse and allegations of claim farming as an associated practice.<sup>258</sup> As noted on pages 57 to 58, victims and survivors face significant barriers to disclosing that they have experienced child sexual abuse,<sup>259</sup> and false allegations of child sexual abuse are rare.<sup>260</sup> Media reports about fraudulent claims of abuse are devastating for our clients, many of whom already fear that they will not be believed when disclosing the child sexual abuse perpetrated against them (see page 58). This also highlights that anti-fraud is not an appropriate framework for responding to concerns about claim farming and related practices, which often target victims and survivors who have experienced abuse and are genuinely exploring their redress and compensation options. We make further comments on pages 116 to 119 below about the need for a specific

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<sup>257</sup> See generally Knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme: Seventh year of the National Redress Scheme*, p 27; Knowmore, *Draft Claim Farming Practices Prohibition Bill 2025: Submission to the NSW Department of Communities and Justice*, pp 14–16; Knowmore, *Personal Injuries Proceedings and Other Legislation Amendment Bill 2022: Submission to the Legal Affairs and Safety Committee*, pp 9–11.

<sup>258</sup> See, for example, the alleged fraudulent claims of child sexual abuse and allegations of claim farming as an associated practice: Emily Wind, *Seven arrested over alleged sexual abuse 'claim farming' scheme that police say netted more than \$1bn*, 13 February 2025, The Guardian, <[www.theguardian.com/australia-news/2025/feb/13/seven-arrested-over-alleged-sexual-abuse-claim-farming-scheme-that-police-say-netted-more-than-1bn-ntwnfb](https://www.theguardian.com/australia-news/2025/feb/13/seven-arrested-over-alleged-sexual-abuse-claim-farming-scheme-that-police-say-netted-more-than-1bn-ntwnfb)>.

<sup>259</sup> Royal Commission, *Final Report: Volume 4, Identifying and disclosing child sexual abuse*, p 77.

<sup>260</sup> Royal Commission, *Final Report: Volume 7, Improving institutional responding and reporting*, pp 136–137.

complaints process to address claim farming and related practices, separate from anti-fraud processes.

Knowmore recognises the importance of victims and survivors being able to choose who they turn to for legal and other support. At the same time, a trauma-informed approach demands that victims and survivors are empowered to make informed choices about their legal options and who assists them.<sup>261</sup> Victims and survivors should not be harassed, pressured, deceived or taken advantage of – especially not when seeking assistance with their redress and compensation options.

## Strategies to address claim farming in relation to the National Redress Scheme

In Knowmore's submission to the second year review, we recommended specific strategies to address the exploitative practices of some private law firms and claim farming businesses, and to protect victims and survivors trying to access redress through the NRS.<sup>262</sup> These strategies were closely reflected in a significant recommendation of the former Joint Select Committee in November 2021,<sup>263</sup> and repeated with urgency by the Joint Standing Committee in November 2024.<sup>264</sup>

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<sup>261</sup> See Blue Knot, *Becoming Trauma Informed – Services*, July 2021, <[www.professionals.blueknot.org.au/wp-content/uploads/2021/09/45\\_BK\\_FS\\_PRf\\_BecomingTraumaInformed\\_Services\\_July21.pdf](http://www.professionals.blueknot.org.au/wp-content/uploads/2021/09/45_BK_FS_PRf_BecomingTraumaInformed_Services_July21.pdf)>.

<sup>262</sup> Knowmore, *Submission to the second anniversary review of the National Redress Scheme*, pp 52–56.

<sup>263</sup> Joint Select Committee, *Second interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, pp 69–73 and 74, Recommendation 17.

<sup>264</sup> Joint Standing Committee, pp 23–24.

### Recommendation 20 of the Joint Standing Committee

The Committee recommends that the Commonwealth encourages state and territory governments to urgently change laws to address claim farming and exploitative practices, including by:

- Making it unlawful for lawyers to charge contingency fees for services delivered with respect to National Redress Scheme applications.
- Imposing a legal obligation on lawyers to advise a potential client of the availability of free services (knowmore Legal Service and the Redress Support Services), and to certify such advice has been provided, before executing a costs agreement for a National Redress Scheme application.
- Capping fees that lawyers can charge for services delivered with respect to National Redress Scheme applications.
- Making it an offence for any person to:
  - contact a person without their consent and solicit or induce them to make a National Redress Scheme application; or
  - give or receive any money or other benefit in exchange for a referral to make a National Redress Scheme application.
- Establishing a set of expected practice standards for lawyers and survivor advocates providing services with respect to National Redress Scheme applications.

In addition, we note that the former Joint Select Committee recommended prioritising the prevention of exploitative practices through the Ministers' Redress Scheme Governance Board (see page 25 above) and 'establish[ing] a specific complaints process within the National Redress Scheme to deal with concerns about the conduct of lawyers and representatives from survivor advocacy businesses'.<sup>265</sup>

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<sup>265</sup> Joint Select Committee, *Second interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, p 74, recommendation 17.

The Australian Government supported in principle the relevant recommendation of the former Joint Select Committee.<sup>266</sup> However, the recommendation has not been fully implemented – and, due to ongoing issues with transparency in relation to the implementation of review recommendations (see pages 28 to 31), it is not clear to what extent the relevant recommendation has been or will be implemented. By way of a recent update in February 2025, the Standing Council of Attorneys-General ‘noted’ the Joint Standing Committee’s recommendation, and ‘discussed existing state and territory laws related to claim farming, and reforms that are planned or currently underway’.<sup>267</sup> The existing state and territory laws do not address claim farming in relation to the NRS,<sup>268</sup> although the South Australian Government has introduced a bill to the South Australian Parliament that will address claim farming in relation to the NRS when passed.<sup>269</sup>

Further, there is not yet a specific complaints process within the NRS to deal with concerns about claim farming and related practices. At present, the NRS encourages people to report claim farming and related practices to the DSS Fraud Hotline or email.<sup>270</sup> As noted on page 114, anti-fraud is not an appropriate framework for responding to concerns about claim farming and related practices in relation to the NRS.

We note the view of the Department of Social Services that many of the relevant reforms ‘fall within the remit of state and territory governments rather than the Federal Government’.<sup>271</sup> Similarly, the Australian

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<sup>266</sup> Australian Government, *Australian Government response to the Second Interim Report of the Joint Select Committee on Implementation of the National Redress Scheme*, pp 13–14.

<sup>267</sup> Standing Council of Attorneys-General, *Communique*, 21 February 2025, p 3, <[www.ag.gov.au/about-us/publications/standing-council-attorneys-general-communicues](http://www.ag.gov.au/about-us/publications/standing-council-attorneys-general-communicues)>. See also Australian Government, *Australian Government response to the Second Interim Report of the Joint Select Committee on Implementation of the National Redress Scheme*, p 14.

<sup>268</sup> See *Personal Injuries Proceedings and Other Legislation Amendment Act 2022* (Qld); *Claim Farming Practices Prohibition Act 2025* (NSW).

<sup>269</sup> See *Statutes Amendment (Claim Farming) Bill 2024* (SA).

<sup>270</sup> National Redress Scheme, *Safeguarding the Scheme*, accessed 19 May 2025, <[www.nationalredress.gov.au/about/safeguardingthescheme](http://www.nationalredress.gov.au/about/safeguardingthescheme)>.

<sup>271</sup> Joint Select Committee, *Second interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, p 72.

Government has commented that ‘there are limited levers for the Commonwealth to regulate private law firms’.<sup>272</sup> However, as we stated in our primary submission to the Joint Standing Committee in February 2023:

*While it is true that some of these reforms would likely require legislative change in the states and territories ... the NRS is a national scheme and a national solution is required; it cannot be left to the states and territories to progress what would likely become piecemeal reforms.*

*It is essential that the Australian Government, as the administrator of the NRS, takes the lead in progressing a coordinated, national response. We strongly support the former Joint Select Committee’s calls for the Australian Government to use the Ministers’ Redress Scheme Governance Board to work with the state and territory governments to consider reforms, and urge the Board to do so as a priority.*<sup>273</sup>

These comments remain relevant in May 2025. In light of the focus of the present audit, we wish to highlight the following matters in relation to the role of the Department of Social Services and the NRS:

- As the department administering the NRS and supporting the Minister for Social Services’ contributions to the Ministers’ Redress Scheme Governance Board, it is essential that the Department of Social Services plays a significant role in progressing a coordinated, national response to claim farming and related practices in relation to the NRS. In doing this, the Department of Social Services should coordinate with the Attorney-General’s Department, noting the work of the Standing Council of Attorneys-General (see page 117 above).
- While some of the review recommendations to address claim farming and related practices require legislative change to fully implement, and some require state and territory governments to act, some of the relevant recommendations could be operationally implemented by the Department of Social Services and/or the NRS. These include establishing:

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<sup>272</sup> Australian Government, *Australian Government response to the Second Interim Report of the Joint Select Committee on Implementation of the National Redress Scheme*, p 13.

<sup>273</sup> Knowmore, *Primary Submission to the Joint Standing Committee*, pp 60–61.

- a set of expected practice standards for lawyers and survivor advocates providing services with respect to NRS applications, and
- a specific complaints process within the NRS, separate from anti-fraud processes, to deal with concerns about the conduct of lawyers and representatives from survivor advocacy businesses.
- We would welcome greater transparency as to the implementation status of review recommendations to address claim farming. Consistent with recommendation 2 on page 31, this should include:
  - specific steps taken to implement the relevant review recommendations
  - whether there are any further steps planned to implement the relevant review recommendations.

### **Recommendation 25**

The Department of Social Services should play a significant role in progressing a coordinated, national response to claim farming in relation to the National Redress Scheme. In doing this, the Department of Social Services should coordinate with the Attorney-General's Department, noting the work of the Standing Council of Attorneys-General to address claim farming and related practices.



### Recommendation 26

To the extent permitted by law, the Department of Social Services and/or the National Redress Scheme should urgently implement recommendations of the Joint Standing Committee and the former Joint Select Committee to address claim farming and related practices in relation to the National Redress Scheme. This should include operationally implementing recommendations to establish:

- a set of expected practice standards for lawyers and survivor advocates providing services with respect to National Redress Scheme applications, and
- a specific complaints process within the National Redress Scheme, separate from anti-fraud processes, to deal with concerns about the conduct of lawyers and representatives from survivor advocacy businesses.

The second year review also noted the importance of suitable legal support in addressing 'opportunistic legal practices and coercive behaviour'.<sup>274</sup> This is consistent with our experience – timely access to appropriate legal and related support significantly reduces the risk that victims and survivors will be exploited by claim farmers, in part, because it makes claim farmers redundant. Appropriate legal and related support can also assist clients to identify 'red flags' that may indicate claim farming and consider their legal options, limited though these options are at present for many victims and survivors.<sup>275</sup>

We make further comments below about the importance of legal and related support for victims and survivors navigating the NRS.

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<sup>274</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 208.

<sup>275</sup> See Knowmore, *Primary Submission to the Joint Standing Committee*, pp 51–53; Knowmore, *Draft Claim Farming Practices Prohibition Bill 2025: Submission to the NSW Department of Communities and Justice*, p 27.



## The importance of legal and related support for victims and survivors navigating the National Redress Scheme

As noted on page 73, the NRS is complex, and victims and survivors experience significant barriers to accessing redress. While access to information is important and should be improved, it is not a substitute for legal and related support (see the discussion on pages 73 to 78). Survivors of institutional child sexual abuse require legal and related support services to effectively navigate and access their redress and compensation options, including under the NRS (see the discussion on pages 24 to 26). The availability and suitability of support for victims and survivors has significant implications for their experience of seeking redress, and for the efficiency, effectiveness and fairness of the NRS (see our general comments about the audit on pages 21 to 23).

We make further comments below about the following matters:

- general comments about the importance of legal and related support for victims and survivors
- Knowmore as a multidisciplinary support service
- the funding model for Knowmore, which is based on incorrect assumptions
- the current status of funding for the redress support system
- impacts of funding issues on victims and survivors of child sexual abuse
- recommendations relevant to the funding of survivor support services.

### General comments about the importance of legal and related support for victims and survivors

As noted on page 105 above, the Royal Commission recognised that victims and survivors face significant barriers to disclosing that they have experienced child sexual abuse.<sup>276</sup> It takes victims and survivors almost 24 years on average to disclose to another person that they have experienced

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<sup>276</sup> Royal Commission, *Final Report: Volume 4, Identifying and disclosing child sexual abuse*, p 77.

child sexual abuse. Some victims and survivors never disclose.<sup>277</sup> Further, disclosure is a process. Many victims and survivors need time and support between their first disclosure and their decision to seek compensation or redress.<sup>278</sup>

Victims and survivors who choose to seek redress face additional barriers, many of which are detailed in this submission. Appropriate legal and related support assists victims and survivors to overcome these barriers, receive the redress to which they are legally entitled, and avoid further harm and retraumatisation.

The Joint Standing Committee observed that receiving appropriate legal and related support can have a significant impact on a victim/survivor's redress outcome.<sup>279</sup> As the table below illustrates, victims and survivors who receive support from Knowmore receive the highest redress payments on average, while victims and survivors who are unsupported receive the lowest redress payments on average.<sup>280</sup>

**Table: Average redress payment received by victims and survivors according to their source of support**

Source of support	Average redress payment
Knowmore	\$97,018
A Redress Support Service	\$91,114
A legal support service other than Knowmore	\$87,302
Unsupported	\$86,013

The Joint Standing Committee also recognised the importance of appropriate support for victims and survivors in improving the efficiency of

<sup>277</sup> Royal Commission, *Final Report: Volume 4, Identifying and disclosing child sexual abuse*, p 30.

<sup>278</sup> See Royal Commission, *Final Report: Volume 4, Identifying and disclosing child sexual abuse*, p 30.

<sup>279</sup> Joint Standing Committee, p 166, paragraph 11.8.

<sup>280</sup> Table data retrieved from Department of Social Services, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme* (submission 9, supplementary submission 23), p 31; Joint Standing Committee, p 166, paragraph 11.8.

the NRS and addressing delays (see the discussion about delays in processing redress applications on pages 94 to 97 above):

*Work done by support services helps speed up processing. The Department [of Social Services] said that redress applications from survivors who had help from a redress support service to do their application are easier to process and 'generally' more complete.*<sup>281</sup>

Similarly, the second year review observed that 'the survivor experience with support services is generally positive'<sup>282</sup> and that 'appropriate, targeted supports and interventions appear to strengthen a survivor's application, reduce processing times and creates less trauma for survivors'.<sup>283</sup>

We note that every report of every major review of the NRS has highlighted the importance of suitable legal support for victims and survivors as part of the redress process –<sup>284</sup> for example, see the extract from the former Joint Select Committee below.<sup>285</sup>

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<sup>281</sup> Joint Standing Committee, p 180, paragraph 11.62.

<sup>282</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 207.

<sup>283</sup> R Kruk AO, *Final report: Second year review of the National Redress Scheme*, p 209.

<sup>284</sup> Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, *Getting the National Redress Scheme right: An overdue step towards justice*, p xvii; Joint Select Committee, *First interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, pp 52–53; Joint Select Committee, *Second interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, pp 67–69 and 74; R Kruk AO, *Final report: Second year review of the National Redress Scheme*, pp 207–208. Joint Standing Committee, p 21, paragraph 1.103 and p 9, recommendation 3.

<sup>285</sup> Joint Select Committee, *Second interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, p 67.

### Extract from the former Joint Select Committee's second interim report

Survivors require access to personalised and culturally appropriate legal advice that can assist them to understand:

- how the NRS operates and if they are eligible;
- the differences between pursuing redress or civil options;
- which option may be suitable for their circumstances;
- how to complete an application form;
- the obligations of accepting an offer;
- considering any offer received.

Access to appropriate legal and related support also helps to address claim farming in the following ways:

- reducing the risk that victims and survivors will be exploited by claim farmers, in part, because it makes claim farmers redundant
- assisting clients to identify 'red flags' that may indicate claim farming and consider their legal options (see the further discussion about claim farming in relation to the NRS on pages 111 to 120).

### Knowmore as a multidisciplinary support service

As detailed on page 4, Knowmore uses a multidisciplinary model to provide trauma-informed, client-centred and culturally safe legal assistance to clients. We have a unique service delivery model, bringing together lawyers, social workers and counsellors, Aboriginal and Torres Strait Islander engagement advisors and financial counsellors to provide coordinated support to clients. This is recognised as a best practice approach to assisting clients who have experienced trauma.

In his 2022 book, *Monetary redress for abuse in state care*, Dr Stephen Winter commented that:

*Survivors need support when preparing and submitting redress applications; they need help through (often protracted) assessment processes, assistance when they receive payments, and afterwards. Large numbers of survivors will have 'low levels of education and varying literacy skills, high levels of mental health issues and a*

**Knowmore** submission on the Department of Social Services' management of the

*reduced capacity to cope with delays and frustrations’ ... The resulting difficulties make good support necessary to survivors and to the effectiveness of any redress programme. Support work is not ancillary, it is part of redress.<sup>286</sup>*

Dr Winter noted the effectiveness of Knowmore’s service model in meeting these needs:

*A community law initiative in Australia offers a promising model for holistic practice. Originally developed to help survivors work with the McClellan Commission (2013–2017), knowmore was well-positioned to support applicants when the NRS began in 2018. Services are free to survivors because knowmore receives block funding from Australian governments. Block funding limits cost-building incentives: because knowmore staff are salaried (and not fee-for-service), they do not profit from individual claims. More importantly, knowmore trains legal professionals to work with survivors. That includes training in Indigenous cultures and workshops on trauma-informed practices (AU Interview 5). As a result, knowmore’s lawyers are redress experts with a personal and professional ethos that prioritises the survivors’ well-being. And, of course, knowmore’s funding structure and ethos limits the prospect of gross malpractice.*

*knowmore’s holistic practice offers counselling and financial advice alongside legal services. It can be difficult to talk about injurious experiences with a lawyer. Some survivors will be difficult clients – they will miss meetings, fail to provide evidence, or have problems managing their emotions. Trauma-informed training can help lawyers learn how to get information from clients effectively in ways that make survivors feel safe and supported (AU Interview 10). At knowmore, lawyers and counsellors collaborate to promote survivor-focussed practice.<sup>287</sup>*

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<sup>286</sup> S Winter, *Monetary Redress for Abuse in State Care*, Cambridge University Press, part III, 18 November 2022, section 12.1, <[www.cambridge.org/core/books/monetary-redress-for-abuse-in-state-care/2670958350A4774D9D38A92D1171DD0A](https://www.cambridge.org/core/books/monetary-redress-for-abuse-in-state-care/2670958350A4774D9D38A92D1171DD0A)>.

<sup>287</sup> S Winter, *Monetary Redress for Abuse in State Care*, section 12.3.

The Joint Standing Committee recognised that Knowmore ‘is highly regarded for the quality of their work’.<sup>288</sup>

### A funding model based on incorrect assumptions

The original funding model for Knowmore’s NRS-related legal support service was determined in 2018. Under this model, funding reduced each financial year from 2020–21, based on modelling that client demand would reduce each year after the second year of the NRS (the 2019–20 financial year).<sup>289</sup>

This modelling has proved to be incorrect, and although the Australian Government has made some welcome adjustments to Knowmore’s funding model in recent years (see the discussion on pages 127 to 128), the incorrect modelling continues to negatively impact Knowmore’s funding and service delivery. This, in turn, negatively impacts victims’ and survivors’ experience of seeking redress, and the efficiency, effectiveness and fairness of the NRS (see our comments on pages 21 to 23).

Contrary to the original modelling, demand for our services has increased significantly over the last 6 years and particularly since June 2021. Despite this, and except for the 2024–25 financial year and the 2025–26 financial year, we have experienced year-on-year funding reductions.<sup>290</sup>

We are continuing to experience high demand for our NRS-related legal support services, and we expect this to continue as record numbers of victims and survivors apply to the NRS (see the discussion on pages 98 to 99 about the consistent, year-on-year growth in redress applications). As noted on page 101, the experience of other redress schemes suggests that there will be a surge in redress applications just before the legislated deadline for applications on 30 June 2027.<sup>291</sup> This surge is likely to be exacerbated if Knowmore is not sufficiently funded to assist with the efficient processing of NRS applications at-scale in the lead-up to June

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<sup>288</sup> Joint Standing Committee, p 21, paragraph 1.102.

<sup>289</sup> See Finity Consulting, *National Redress Scheme participant and cost estimates*, p 58, Figure 10.2.

<sup>290</sup> See generally Knowmore, *Primary Submission to the Joint Standing Committee*, pp 55–56.

<sup>291</sup> See, for example, Finity Consulting, *National Redress Scheme participant and cost estimates*, p 30.

2027, with flow-on effects for the final year of the NRS in 2027–28 (see our comments about the capacity of the NRS to deliver redress to eligible victims and survivors on pages 98 to 105).

### Current status of funding for the redress support system

As noted on page 100, we welcome the commitment of additional funding for the redress support system by the 2024–25 federal budget and 2025–26 federal budget.<sup>292</sup> The 2024–25 federal budget committed an additional \$33.3 million over 4 years ‘to support applicants of the [NRS] who submit incomplete applications to improve the efficiency of the Scheme and to better support survivors of institutional child sexual abuse through the application process’.<sup>293</sup> Of this \$33.3 million:

- The 2024–25 federal budget committed \$26.1 million over 4 years for Redress Support Services.<sup>294</sup> The then Minister for Social Services, the Hon. Amanda Rishworth MP, stated that the additional \$26.1 million would provide ‘a new targeted support service that will assist survivors to submit complete applications to the National Redress Scheme’.<sup>295</sup>
- The 2024–25 federal budget committed an additional \$7.2 million to Knowmore’s NRS-related legal support services funding for the 2024–25 financial year.<sup>296</sup> This reversed an anticipated 25% reduction in our NRS-related legal support services funding and provided a temporary increase to that funding for the 2024–25 financial year.<sup>297</sup>

The 2025–26 federal budget has committed an additional \$11.5 million to Knowmore’s NRS-related legal support services funding for the 2025–26

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<sup>292</sup> Australian Government, *Budget 2024–25: budget paper no. 2, budget measures*, p 174; Attorney-General’s Department, *Budget 2024–25 Portfolio Budget Statements – Entity resources and planned performance*, p 22; Attorney-General’s Department, *Budget 2025–26 Portfolio Budget Statements – Entity resources and planned performance*, p 21.

<sup>293</sup> Australian Government, *Budget 2024–25: budget paper no. 2, budget measures*, p 174.

<sup>294</sup> Australian Government, *Budget 2024–25: budget paper no. 2, budget measures*, p 174.

<sup>295</sup> Amanda Rishworth MP, *Strengthening support for redress applicants*, 24 May 2024, <[ministers.dss.gov.au/media-releases/14791](https://ministers.dss.gov.au/media-releases/14791)>.

<sup>296</sup> Australian Government, *Budget 2024–25: budget paper no. 2, budget measures*, p 174.

<sup>297</sup> Minister Rishworth also referred to ‘a further \$2.16 million ... to support applicants in gaol and for dedicated and culturally safe support services, particularly for regional and remote applicants’: Amanda Rishworth MP, *Strengthening support for redress applicants*.



financial year.<sup>298</sup> This will reverse an anticipated 75% reduction in our NRS-related legal support services funding and provide a further, temporary increase to that funding for the 2025–26 financial year.

The additional funding allocated by the 2025–26 federal budget will enable us to maintain current service levels for the 2025–26 financial year.

Unfortunately, the 2025–26 federal budget has not allocated Knowmore any additional NRS-related legal support services funding for the following 2 financial years (2026–27 and 2027–28). This means that Knowmore now faces a reduction in our NRS-related legal support services funding of more than \$9.2 million or about 62% in just over 12 months' time.<sup>299</sup>

Knowmore also has NRS-related funding agreements, administered by the Department of Social Services, to provide financial counselling to victims and survivors engaging with the NRS, and to support Redress Support Services. These funding agreements conclude on 30 June 2026. Further funding will obviously be required for Knowmore to continue to deliver these services beyond 30 June 2026.

### Impacts of funding issues on victims and survivors

Our ongoing funding issues mean that we are required to undertake significant funding advocacy each year to maintain current service levels for victims and survivors, and avoid devastating reductions in funding. This diverts our already limited resources and has further negative impacts on our ability to deliver client services.

While our wait times have reduced with the increase to our NRS-related legal support services funding for the 2024–25 financial year, the steady increase in demand means that we have not been able to substantially increase our ongoing assistance to clients. Consequently, we are continuing to refer many clients to Redress Support Services to draft their applications and support them through the process. Other victims and

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<sup>298</sup> Attorney-General's Department, *Budget 2024–25 Portfolio Budget Statements – Entity resources and planned performance*, p 22; Attorney-General's Department, *Budget 2025–26 Portfolio Budget Statements – Entity resources and planned performance*, p 21.

<sup>299</sup> Attorney-General's Department, *Budget 2024–25 Portfolio Budget Statements – Entity resources and planned performance*, p 22; Attorney-General's Department, *Budget 2025–26 Portfolio Budget Statements – Entity resources and planned performance*, p 21.



survivors are submitting their applications without assistance, or having to find alternative, non-specialist or fee-for-service support.

A 62% reduction in Knowmore's NRS-related legal support services funding will result in more than 2,200 victims and survivors being referred out in the 2026–27 financial year – victims and survivors of child sexual abuse who previously would have been able to access the help they need from Knowmore. In the context of a broader service system that is already stretched to its limit, a 62% reduction in Knowmore's NRS-related legal support services funding – and the end of Knowmore's other NRS-related funding agreements – means that many victims and survivors will not receive appropriate help anywhere.

## Recommendations relevant to the funding of survivor support services

The Joint Standing Committee made multiple recommendations for the Australian Government to provide additional funding to Knowmore and Redress Support Services (recommendations 3, 22 and 23).<sup>300</sup> These recommendations focus on the following matters:

- ensuring 'all redress applications can be finalised on time'<sup>301</sup>
- providing dedicated support to victims and survivors who experience heightened marginalisation<sup>302</sup>
- extending the funding term until 2 years following an extended expiration date for the NRS.<sup>303</sup>

These matters link to the discussion about the capacity of the NRS to deliver redress to all eligible victims and survivors (see pages 98 to 105). As the legislated deadline for applications and the legislated end of the NRS approach, appropriate legal and related support for victims and survivors will only become more important for the efficiency, effectiveness and fairness of the NRS.

We consider that the Australian Government should provide secure and adequate funding for survivor support services, including Knowmore and

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<sup>300</sup> Joint Standing Committee, pp 9 and 25, recommendations 3, 22 and 23.

<sup>301</sup> Joint Standing Committee, p 9, recommendation 3.

<sup>302</sup> Joint Standing Committee, p 25, recommendation 22.

<sup>303</sup> Joint Standing Committee, p 25, recommendation 23.

the Redress Support Services, so that we can continue to provide victims and survivors with the support they need. In particular, Knowmore's NRS-related funding agreements must match the demand for our services, and ensure that victims and survivors have access to free and independent legal and related support until the conclusion of their redress matters.

#### **Recommendation 27**

The Australian Government should provide secure and adequate funding for survivor support services, including Knowmore and the Redress Support Services, so that we can continue to provide victims and survivors with the support they need. In particular, Knowmore's funding agreements related to the National Redress Scheme must match the demand for our services, and ensure that victims and survivors have access to free and independent legal and related support until the conclusion of their redress matters.

As highlighted by our comments on pages 103 to 105, planning for the legislated end of the NRS must also include planning to ensure that victims and survivors have ongoing access to meaningful redress and justice-making options (see recommendation 22 on page 105 about the need to develop a national framework for redress and/or reparation schemes). This must include ongoing access to the legal and related support needed to effectively navigate redress and justice-making options.

#### **Recommendation 28**

As part of planning for the legislated end of the National Redress Scheme, the Australian Government must ensure that victims and survivors have ongoing access to meaningful redress and justice-making options (see recommendation 20). This must include ongoing access to the legal and related support needed to effectively navigate redress and justice-making options.



# Knowmore

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