



National Redress Scheme for survivors of childhood sexual abuse

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On 1 July 2018, the Federal Government introduced a National Redress Scheme for survivors of institutional child sexual abuse. The Scheme will run for 10 years, finishing in 2028. It's important to note that this is not the only compensation option available to abuse survivors. The second, and often more fruitful in terms of the amount of compensation payable, is a common law claim. This blog, however, provides detailed information about compensation available under the National Redress Scheme.

You can learn more about [common law claims for survivors of institutional childhood abuse here](#).

Which organisations are a part of the National Redress Scheme?

Organisations must choose to participate in the National Redress Scheme. The Victorian and Commonwealth Governments have 'opted into' the Scheme, meaning that institutions run by them are covered under the Scheme.

A number of non-government institutional bodies have also opted into the scheme. In Victoria, these include:

- religious organisations;
- schools;
- private care providers;
- sporting bodies;
- the Puffing Billy Preservation Society; and

- Scout bodies.

A full list of the institutions that have [opted into the National Redress Scheme can be found here](#).

If you suffered abuse in a Victorian institution which is not on the list, there may still be options available to you. We detail other compensation options available to survivors of childhood abuse (including sexual, psychological and physical abuse) below.

Eligibility requirements for the National Redress Scheme

One of the limitations of the Scheme is that it is a pre-requisite that the survivor suffered sexual abuse in the institution. In other words, the Scheme does not extend to survivors whose experience was confined to physical abuse only.

At Guardian Injury Law, we know from experience that many people did suffer significant physical abuse in institutional settings in Victoria as children. We also know from our experience of the profound and long-lasting effect this sort of abuse can have on a person. There are other potential options available to survivors who do not qualify for Redress which we explain below.

At the time of the application, the person applying for Redress must also be an Australian citizen or a permanent resident to be eligible.

What does the National Redress Scheme offer?

Financial compensation

If you are eligible for Redress, one of the potential benefits is compensation payments.

The payments are calculated in accordance with the following table from the *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework* 2018 ('the Framework').

AMOUNT OF REDRESS PAYMENT

Kind of sexual abuse of the person	Recognition of sexual abuse	Recognition of impact of sexual abuse	Recognition of related non-sexual abuse	Recognition person was institutionally vulnerable	Recognition of extreme circumstances of sexual abuse
Penetrative abuse	\$70,000	\$20,000	\$5,000	\$5,000	\$50,000
Contact abuse	\$30,000	\$10,000	\$5,000	\$5,000	Nil
Exposure Abuse	\$5,000	\$5,000	\$5,000	\$5,000	Nil

Note 1:

Only one item of the table can be relevant to a person. This is because an item covers all relevant sexual abuse of the person.

Note 2:

The amount of the redress payment is also affected by section 30 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* and the rules made for the purposes of that section.

An assessor from the National Redress Scheme calculates the amount of compensation available to an individual based on their application and any supporting documents. We highly recommend survivors get advice and assistance from a lawyer experienced in abuse claims before lodging an application for Redress. This is to ensure that Redress is in fact, the best option for you in terms of pursuing compensation and if so, to maximise any potential payments.

If you have already received an offer from Redress but are yet to accept it, it is not too late to seek legal advice.

[Get free advice about your compensation options: 1300 700 761](#)

Past payments and Redress

If you have received a payment in the past from one of the participating institutions and it is less than the amount you are eligible to receive through the National Redress Scheme, you may be able to apply for a 'top up' payment. The amount received in the past would be deducted from the total available through Redress before the payment is made.

Counselling

Another component of the Scheme is that it offers financial assistance for survivors to be able to access counselling or psychological support services. The payment for this component is also calculated in accordance with a table from the *Framework*.

AMOUNT OF THE COUNSELLING AND PSYCHOLOGICAL COMPONENT OF REDRESS

Kind of sexual abuse of the person	Amount of the component
Penetrative abuse	\$5,000
Contact abuse	\$2,500
Exposure Abuse	\$1,250

Direct personal response

The third component available to eligible survivors through the National Redress Scheme is a direct personal response from the institution where they experienced abuse. This is an apology which can be delivered in various ways from the relevant institution.

It is up to the survivor to choose whether this is something they want to receive.

Other options for pursuing compensation – common law claim

It is important that survivors of childhood abuse get legal advice from an experienced abuse law lawyer before taking any steps toward making a National Redress Claim. This is because there is another option, known as a common law claim, which could potentially yield greater compensation for a survivor of institutional abuse in Victoria.

A common law claim is a claim of negligence against the relevant institution. It is a requirement that the person making the claim has suffered an injury due to the abuse. This is, in most circumstances, a psychological injury, but things such as scarring from physical abuse can also be considered.

A common law claim can be less rigid than a National Redress Claim and can take into account things such as loss of earning potential which the Redress Scheme does not.

Unlike a Redress claim, a common law claim does not have to be confined to sexual abuse and can potentially be brought against institutions not participating in the National Redress Scheme.

How an abuse lawyer can help

We understand, through [our experience and expertise with abuse claims](#), how challenging a process it can be for survivors. At Guardian Injury Law, we aim to deliver our services in a trauma-informed manner. We will listen to your story and advise you on all potential compensation options available to you.

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

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