



# Changes to the National Redress Scheme in 2024 for survivors of child sexual abuse

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Significant changes have been made to the [National Redress Scheme for Institutional Child Sexual Abuse](#) (NRS). A Bill was passed by the Australian Parliament on 20 March 2024, which included multiple significant changes in an attempt to further aid those who have been impacted by institutional abuse.

Most of the changes came into effect in April 2024, however, changes related to the reassessment of finalised applications (near the end of this blog) will come into effect in early October 2024.

The National Redress Scheme was introduced in 2018 by the Australian Government to provide compensation for survivors who have experienced institutional child sexual abuse. This includes lump sum compensation, access to counselling and a direct personal response from the institution.

## Key changes to the National Redress Scheme in 2024

- Survivors who are incarcerated (in prison) will now be able to lodge an NRS application for compensation;
- The process of lodging an application for survivors who are incarcerated;
- Finalised NRS applications can be reassessed if a relevant institution later joins the scheme (A full list of the institutions that have opted into the [National Redress Scheme can be found here](#));
- Additional information can be provided when requesting a review of an NRS decision; and
- In selected circumstances, NRS-protected information can be disclosed.

We go into more detail on each of the changes below.

## National Redress Scheme applications by those who have been incarcerated

Previously, survivors of child sexual abuse who were incarcerated in prison were unable to pursue an NRS application for compensation unless they had exceptional circumstances. This meant that if their circumstances were not considered exceptional, they would have to wait until they were no longer incarcerated to submit their application.

However, a review of the scheme found that people who are incarcerated were more likely to have experienced child abuse, and not providing them with an opportunity to seek compensation would be unjust.

With the 2024 changes to the NRS, survivors who are incarcerated can access the scheme while serving their sentence. This allows for more survivors of child sexual abuse to pursue their claims sooner. These applicants will have access to support throughout their prison sentence and may also be entitled to financial compensation.

## The National Redress Scheme process for convicted prisoners

Previously, all survivors who had a conviction of five or more years for a single criminal offence could only access the NRS after undergoing a special assessment process.

With the changes to the law in 2024, survivors who have been sentenced to five or more years for a single criminal offence will only need to undergo a special assessment process to access the NRS if they have been convicted of any of the below offences:

- a sexual offence;
- terrorism offence; or
- an unlawful killing.

This means that if you have been convicted of a single offence that does not include any of the above, you may be able to pursue your NRS application without going through a special assessment process.

## Additional information when requesting a review of a National Redress Scheme application

Upon receiving a redress offer, survivors can ask the NRS to review their application. Review applications will be considered by a new assessor, to ensure that fairness is exercised across all applications.

The NRS review process has now been updated to allow:

- survivors to provide the NRS review assessor with new additional information; and

- the NRS review assessor to request new information from the relevant applicant, regarding their application.

Sometimes, abuse survivors submit their application on their own, and at the time of submission, applicants may not have a full understanding of what is required to be provided to the NRS. These updates to the law ensure that survivors who may have submitted their application without being fully aware of the application process will now be able to access support from a representative who can provide them with additional support for their review application.

The NRS review process also ensures that applicants are protected regarding the NRS payment being reduced as a result of the review.

## Disclosure of protected information by the National Redress Scheme

In this context 'protected information' is information about an institution obtained by the NRS for their purposes.

After the changes to the law, institutions that are non-participants to the NRS will have their information shared with survivors who have named that non-participating institution in their application.

The protected information will also be shared with institutions that are of the same participating group as the institutions that are non-participants of the NRS. This allows the institutions to conduct internal investigations. The information will also be shared with public trustees.

This change was facilitated to promote transparency and access to justice for abuse survivors who may wish to pursue another path of justice.

## Finalised National Redress Scheme applications can be re-assessed

To allow survivors of child sexual abuse not to be disadvantaged, survivors can have their finalised NRS application re-assessed where:

- the survivor identified more than one institution in their NRS application;
- the survivor's NRS application was finalised with one or more non-participating institutions (A full list of the institutions that have opted into the [National Redress Scheme can be found here](#)); and
- one or more of the non-participating institutions joined the NRS after the survivor's original application was finalised.

If the above circumstances apply when having an NRS application re-assessed, and to ensure that applicants are not deprived of what they are entitled to, applicants are to receive a higher payment than their original application as well as a personal response from the institutions that later joined the NRS.

# Why a common law claim due to child sexual abuse may be beneficial?

It is important that abuse survivors are aware of any entitlement to common law damages for pain and suffering and economic loss. With the right legal advice and case preparation, common law claims result in significantly higher settlement sums so that survivors of childhood abuse can receive the maximum compensation they are entitled to.

Abuse survivors should seek advice from a personal injury lawyer before lodging an NRS claim as the compensation available through a common law claim is potentially much higher. Further, once a survivor accepts an NRS offer, they will be forever barred from pursuing a common law claim and may lose the right to claim significant compensation.

If a survivor chooses to pursue common law damages, they may be entitled to the following:

- pain and suffering damages;
- exemplary damages;
- past and future economic loss; and
- out-of-pocket medical expenses.

The above compensation can be quite significant in comparison to what is awarded by the NRS which has a current cap of \$150,000.

Across Australia, there is no statute of limitations for common law claims of abuse. That is, there is no time limit to lodge a claim. Therefore, no matter how long it has been since the childhood sexual abuse, you may be entitled to bring a common law claim, which could result in a higher sum of compensation compared with the National Redress Scheme.

## Get help from an abuse compensation lawyer

It is important for survivors of childhood sexual abuse to consider all their options before deciding whether to pursue a common law claim or an NRS application.

Our experienced team at Guardian Injury Law can look at your circumstances and guide you through the various claims available to you.

We offer free initial advice and run claims on a 'no win, no fee' basis. So, it costs you nothing to find out where you stand.

## Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

[enquiries@guardianinjurylaw.com.au](mailto:enquiries@guardianinjurylaw.com.au)

## Further reading about historical abuse compensation

- [Two compensation options for survivors of childhood abuse – civil common law or National Redress Scheme](#)
- [Time limits for childhood abuse compensation claims](#)
- [Abuse compensation under the \*Sentencing Act\* s85B](#)
- [Do I have to report my abuse to police to claim compensation](#)

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