Unravelling Redress for Institutional Abuse of Children in Australia

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Overview

- Chronicle the evolution of the National Redress Scheme (NRS)
- Outline the changing treatment of 17 contentious matters
- Discuss the implications of these changes

Key findings

- 17 matters
- 14 saw moderate or significant change due to economic, political, or operational pressures
- All 14 matters departed from at least one of the Royal Commission’s redress principles
NRS in a nutshell

- Redress elements: monetary payment, counselling, direct personal response
- Broad set of eligible claimants
- 1 July 2018 – 30 June 2028
- Claimants must have been sexually abused

(1) What shaped the development of the NRS?

- Voluntary opt-in by government and non-government institutions
- Time pressure to establish the scheme before July 2018 deadline
- Compromises based on economic, political, and operational pressures
(2) What changes occurred during the development of the NRS?

A. Headliners (N=5)

- Monetary payment cap
- Criminal history exclusion
- Eligible abuse (sexual abuse only)
- Counselling and psychological care
- Assessment framework

B. Buried Leads (N=12)

- Institutions
  - weaker obligations
  - greater power
  - greater protections for institutions

- Survivors
  - reduced flexibility
  - reduced access to redress
Example

- Interaction of 2 ‘buried leads’
  - 2-year opt-in period for non-government institutions
  - single application requirement
- Improves operational convenience
- Diverges from Royal Commission’s principles of redress

(3) Implications of the changes

- Of the 14 matters that changed:
  - 14 were less survivor-focused
  - 6 had less regard to the nature and impact of child sexual abuse
  - 9 had less regard to the needs of vulnerable survivors
Where to from here?

• Changes can be made to the scheme
• Federal Government is considering recommendations for change
• Substantial re-negotiation would be required

Summary

NRS moved away from a best practice redress model recommended by the Royal Commission

• voluntary opt-in and constitutional limits
• compromises based on economic, political, and operational pressures
• compromises favoured institutions at the expense of survivors
References
