



05 February 2026

Dear Committee Members,

The Healing Foundation welcomes the opportunity to provide a submission to the Joint Standing Committee on Implementation of the National Redress Scheme's **Inquiry into the continuing operation of the National Redress Scheme (NRS)**.

The Healing Foundation is the national organisation that platforms and elevates the voices and lived experiences of Stolen Generations survivors, their families, and their communities. We work closely with survivors and communities to create environments for survivors to tell their stories and drive their healing.

The National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families was a groundbreaking process of truth-telling in Australia, where Stolen Generations survivors' voices were elevated, and the intergenerational impacts of their experiences of removal were heard across the nation. The Inquiry identified a direct link between removal, experiences of abuse, and the ongoing intergenerational impacts of trauma.

*Bringing Them Home*, the Inquiry's final report handed down in 1997, provided a suite of recommendations to address intergenerational trauma and improve outcomes for survivors, their descendants, families, and communities. This included acknowledgement of the impacts of forced removal, including the abuse experienced, and reparative measures incorporating compensation. As of 2025, only six percent of those recommendations have been fully implemented.<sup>1</sup>

While it is acknowledged that the NRS has been established to provide compensation for children in out of home care who experienced sexual abuse while institutionalised, the nature of forced removal of Aboriginal and Torres Strait Islander children under previous governments' policies means that a **significantly high proportion of Stolen Generations were exposed to abuse while institutionalised**.

The Royal Commission into Institutional responses to Child Sexual Abuse (the Commission) identified the **overrepresentation** of Aboriginal and Torres Strait Islander people as survivors of child sexual abuse.<sup>2</sup> Their final report noted that the 'the legacy of colonisation and forced removal of children is part of the experience of many of the Aboriginal and Torres Strait Islander survivors'.<sup>3</sup>

Independent research undertaken for the Commission found that the institutionalisation of Aboriginal and Torres Strait islander children in Australia has been disproportionately higher than other groups. Previous jurisdictional policies that allowed for the removal of Aboriginal and Torres Strait Islander

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<sup>1</sup> The Healing Foundation, "Are you waiting for us to die?" The unfinished business of *Bringing Them Home*, 2025.

<sup>2</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Nature and cause, volume 2, 2017, p.11 – 14.

<sup>3</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Nature and cause, volume 2, p.90.

children from their families meant they were more likely to be placed in institutions than children from any other population, with the national average significantly less.<sup>4</sup> This higher rate of institutionalisation significantly increased their exposure to abuse.

As of December 2025, **35.4%** of sexual abuse survivors who applied to the NRS identified as First Nations.<sup>5</sup> This is a high proportion of applicants and grossly disproportionate with the general Aboriginal and Torres Strait Islander population, which is 3.8%.<sup>6</sup> It is noted that given the known issues with the scheme (expanded below) and the high probability of Stolen Generations survivors being exposed to sexual violence, the number of potentially eligible Aboriginal and Torres Strait Islander applicants is likely underrepresented.

It is reiterated that Stolen Generation survivors are a critical survivor group for the NRS. They have unique and specific needs resulting from their forced removal, exposure to abuse, and the ongoing impacts of colonisation, including racism and discrimination, that must be met by the NRS to ensure equitable and safe access to redress and to meet the Scheme's objectives of impact alleviation and justice.

The Committee's 2024 report 'Redress: Journey to Justice', produced following the 2022 Inquiry into the operations of the NRS, identified key issues with the Scheme *and* identified Stolen Generations survivors as a cohort likely to be impacted by those issues.<sup>7</sup> The primary concerns relevant to Stolen Generations survivors are briefly summarised:

- Access to the scheme: lack of culturally and / or linguistically appropriate information and support exacerbated by inconsistent and / or confusing information.
- Limited support services for the application, assessment, and outcome stages.
- Application form: difficult, lengthy, bureaucratic, and retraumatising.
- Outcomes: inconsistent, unfair, and lacking transparency.

The impacts of these identified issues were, and continue to be, particularly heightened for Stolen Generations survivors. They are compounded by the overlapping and multi-generational impacts of forced removal and exposure to abuse and the lack of trauma-informed and culturally specific training for NRS staff and services working with Stolen Generations survivors.

With this context, we offer the following information relevant to the Inquiry's terms of reference.

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<sup>4</sup> Anderson, P., Bamblett, M., Bessarab, D., Bromfield, L., Chan, S., Maddock, G., Menzies, K., O'Connell, M., Pearson, G., Walker, R., Wright, M, Aboriginal and Torres Strait Islander children and child sexual abuse in institutional settings. Report for the Royal Commission into Institutional Responses to Child Sexual Abuse, 2017, p.12.

<sup>5</sup> National Redress Scheme, December 2025 Newsletter, <https://www.nationalredress.gov.au/news/december-2025>

<sup>6</sup> Australian Bureau of Statistics, <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-aboriginal-and-torres-strait-islander-australians/latest-release>

<sup>7</sup> Joint Standing Committee of Implementation of the National Redress Scheme, 'Redress: Journey to Justice', 2024.

## Operational timeline, potential extension, and ongoing applications

Extension of the Scheme beyond 2028 was the first recommendation of the Committee's 2024 report, which acknowledged the time frame for processing requests (averaging more than a year) and the increasing number of applications received each year.<sup>8</sup>

With evidence of ongoing concerns relating to current process and with the known constraints of existing timeframes, The Healing Foundation recommends that the NRS is extended beyond its current legislated end date of 30 June 2028, and application cutoff of 30 June 2027.

We make this recommendation based on the following information:

1. Increasing time taken to process applications and increasing number of applications being received.
2. Application processes are difficult, bureaucratic, and retraumatising, meaning they can take time to complete, and survivors need ongoing support.
3. There is conflicting information relating to different schemes, class actions, and other actions involving potential compensation, which can be confusing and difficult for survivors to navigate.
4. Insufficient culturally safe and community supported information about the Scheme meaning eligible Stolen Generations survivors may not be applying.
5. Insufficient culturally safe wrap around support for Stolen Generations survivors meaning eligible survivors may not be applying.

However, we note that to address known issues, **any extension of the Scheme must be accompanied by changes to how the Scheme is being implemented**. This must include acknowledging the unique needs of Stolen Generations survivors.

Specifically, we make the following comments in relation to a potentially extended Scheme and in response to identified issues:

6. Reassessment of applications from Aboriginal and Torres Strait Islander survivors.
  - i. There are known problems with inconsistent and unfair outcomes – including eligibility, redress amount, and impact of prior payments – exacerbated by a lack of transparency around decision making.<sup>9</sup> Stolen Generations survivors have been identified as a group particularly impacted by this.<sup>10</sup>

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<sup>8</sup> Joint Standing Committee of Implementation of the National Redress Scheme, 'Redress: Journey to Justice', 2024.

<sup>9</sup> Joint Standing Committee of Implementation of the National Redress Scheme, 'Redress: Journey to Justice', 2024, chapter five.

<sup>10</sup> Joint Standing Committee of Implementation of the National Redress Scheme, 'Redress: Journey to Justice', p.94; knowmore, 'Submission to the Joint Select Committee on Implementation of the National Redress Scheme,' Submission 20, 2020, p.13.

- ii. Evidence was provided to the previous Committee Inquiry that Stolen Generations survivors had prior payments relating to their removal deducted, despite those payments *not* being in relation to sexual abuse experienced while institutionalised.<sup>11</sup>
  - iii. We have heard that survivors have been denied redress for minor inaccuracies on application forms. This is not a trauma informed approach and fails to consider issues of memory-based evidence, particularly when memory is marked by trauma.<sup>12</sup> It is also antithetical to the Scheme's standard of proof as 'reasonable likelihood'.
  - iv. It is known that survivors with very similar experiences and timelines of abuse are receiving varying amounts of redress, with no transparency or information relating to the decision-making process.<sup>13</sup>
7. Review and update processes around decision making and disclosure of outcomes to ensure they are transparent, consistent, culturally safe, and trauma informed.
- i. It is known that there are unfair and inconsistent decisions and outcomes for applicants to the Scheme relating to eligibility, amount of redress offered, and deductions relating to previous compensation payments.
  - ii. Outcome delivery must be sensitive, safe, and survivor-centred. The risk of retraumatising survivors in this phase of redress, particularly if the application is deemed ineligible or a survivor is offered a lower redress payment than expected, has been identified as significantly high, and the lack of consideration to this a 'strategic error'.<sup>14</sup>
  - iii. Clear, transparent, and culturally safe information must be provided in relation to assessment criteria and determination, with access to decision making rationale, and opportunities for appropriate, safe, and independent appeals.
  - iv. Ongoing support must be provided to reduce the impact of additional harm being caused through this phase.
8. Review of application processes and consideration of alternative application pathways for Stolen Generations survivors.
- i. Explore opportunities for third party applications specific for Aboriginal and Torres Strait Islander people (for example through Community Controlled Organisations).
  - ii. Urgently address disclosure requirements. This is a known and significant issue – the requirement of disclosure combined with a lengthy bureaucratic application form has been identified as a particularly distressing and traumatising aspect of the redress process and remains an ongoing barrier.<sup>15</sup> It is also not aligned with a trauma-informed approach to working with survivors of abuse.

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<sup>11</sup> Knowmore, 'Submission to the Joint Select Committee on Implementation of the National Redress Scheme,' Submission 20, 2020, p.13.

<sup>12</sup> Joint Standing Committee of Implementation of the National Redress Scheme, 'Redress: Journey to Justice', p.10.

<sup>13</sup> Joint Standing Committee of Implementation of the National Redress Scheme, 'Redress: Journey to Justice', pp. 16-17, 19.

<sup>14</sup> Joint Standing Committee of Implementation of the National Redress Scheme, 'Redress: Journey to Justice', p.12.

<sup>15</sup> Joint Standing Committee of Implementation of the National Redress Scheme, 'Redress: Journey to Justice', p.10

- iii. Disclosure requirements for Stolen Generations survivors and other Aboriginal and Torres Strait Islander applicants fails to consider cultural and community implications, including relating to kinship responsibilities.
9. Specialised training for all staff and consultants working with the Scheme in relation to Stolen Generations history and intergenerational trauma.
10. A strategic and targeted community engagement and awareness raising campaign with focus on ensuring potentially eligible Stolen Generations survivors are aware of, and supported to engage with, the Scheme, particularly in regional, remote, and multi-lingual communities through funding and investment in local Community Controlled Organisations.
11. Development and implementation of culturally appropriate resources to support increased applications.
12. Additional resourcing to extend culturally appropriate wrap around support services to assist survivors with process, legal, and financial considerations, and to support ongoing healing through and following the redress process.
  - i. Support and investment are critically needed in regional and remote communities, where potentially eligible survivors often do not have access to support.<sup>16</sup>
  - ii. There is no provision within the Scheme for cultural, intergenerational, or collective healing.<sup>17</sup> Given the overrepresentation of Aboriginal and Torres Strait Islander applicants, the specific multi-generational trauma experienced by Stolen Generations, and the high likelihood of being triggered through the application process, this is a significant oversight.
13. Resource a dedicated First Nations response team within the NRS who are appropriately trained in trauma-informed approaches to working with Stolen Generations survivors.
14. Address claim farming through legal and policy measures, with accountability for individuals and organisations engaging in the practice.

### **Considerations of 2024 changes and the conclusion of the Scheme (applications, processes, procedures, support services)**

15. In relation to the increased and outstanding applications as the Scheme approaches its end, it is recommended that additional resourcing is invested in both the administration of the Scheme and community-based support services.
  - i. It is critical that the specific and unique needs of Stolen Generations survivors are met through this period, with investment in local Aboriginal Controlled Community Organisations.

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<sup>16</sup> Yokai (West Australian Stolen Generations Aboriginal Corporation), 'Submission to the Inquiry on the Implementation of the national Redress Scheme', Submission 21, 2020.

<sup>17</sup> Yokai (West Australian Stolen Generations Aboriginal Corporation), 'Submission to the Inquiry on the Implantation of the national Redress Scheme', Submission 21, 2020.

- ii. Increased NRS workforce must be appropriately trained when working with Stolen Generations survivors.
  - iii. Review internal administrative processes to improve processing time, communication, consistency in decision making and outcomes.
16. Ensure transparency in decision making, and provide supported, trauma-informed, and culturally safe outcome delivery with the option for independent review.
17. Ongoing wrap around support extending beyond the life of the Scheme through investment in community-based organisations to ensure Stolen Generations survivor needs are met.
18. If the Scheme is not extended, The Healing Foundation recommends that additional resourcing for a period of at least two years is committed to process outstanding claims, respond to information requests, respond to any appeals, respond to applicant and community queries, and manage any ongoing support programs.
- i. It is also recommended that consideration is given to a potential audit/s of the Scheme, particularly considering the known concerns that have been consistently raised.
19. Develop plan for ongoing accountability to institutions who failed to sign up to the Scheme.

The Healing Foundation notes the changes implemented in 2024, and makes the following point:

20. There is a direct link between forced removal and negative interactions with the justice system and the increased likelihood of incarceration, which was clearly identified in final report of the *Royal Commission into Aboriginal Deaths in Custody*. With the ongoing impacts of colonisation, systemic racism, and discrimination, Aboriginal and Torres Strait Islander people are overrepresented in the criminal legal system and incarceration rates are disproportionately high, comprising 37% of persons in custody.<sup>18</sup>

It is plausible that there are potentially eligible Stolen Generations survivors currently incarcerated. It is recommended that a trauma-informed and culturally safe outreach program is developed to ensure eligible survivors are informed about the scheme and supported, with specialised independent advice, to apply.

### **Additional comments**

21. It is recommended that an audit of outcomes for Aboriginal and Torres Strait Islander applicants is undertaken in order to review consistency and fairness of decision making and survivor experience of the Scheme to determine if a full review is required.

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<sup>18</sup> Australian Bureau of Statistics, <https://www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia/latest-release#:~:text=Aboriginal%20and%20Torres%20Strait%20Islander%20imprisonment%20rates,in%20the%20September%20quarter%202024.>

22. There needs to be transparent ongoing accountability for non-participating institutions, including a consideration of permanent loss of charitable status and loss of any government funding.

23. Data management and ongoing learnings following closure of the Scheme:

- i. Ongoing management of data and records, including Stolen Generations survivors' personal information, in accordance with Indigenous Data Sovereignty principles.
- ii. Ensure co-designed plan for identifying and disseminating learnings from the Scheme, including understandings of child sexual abuse, institutional gatekeeping and protection, government involvement, and the impacts of redress.
- iii. Consider engagement and lesson sharing with other redress schemes.

In closing, The Healing Foundation is concerned that if the known and ongoing issues are not urgently addressed, the Scheme will not only have failed to provide justice for Stolen Generations survivors who experienced institutional sexual abuse, but will have caused further harm and traumatisation.



Shannan Dodson  
Chief Executive Officer  
The Healing Foundation