



# Inquiry into the continuing operation of the National Redress Scheme

**Joint Standing Committee on Implementation of the  
National Redress Scheme**

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## Acknowledgements

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- the Law Society of New South Wales;
- the Law Society of Western Australia;
- the Queensland Law Society; and
- the Law Council's Indigenous Legal Issues Committee

for their contribution to the preparation of this submission.

## Recommendations

### **Recommendations:**

- **The Redress Scheme should be extended beyond its current sunset date by at least a further five years.**
- **Aboriginal and/or Torres Strait Islander Community-Controlled Organisations should be adequately resourced to promote awareness of the Redress Scheme to Aboriginal and Torres Strait Islander communities.**

## Introduction

1. The Law Council of Australia welcomes the opportunity to contribute to the Joint Standing Committee on Implementation of the National Redress Scheme's inquiry into the continuing operation of the National **Redress Scheme**.
2. The Redress Scheme was established on 1 July 2018 in response to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse (**Royal Commission**) to provide support for those who have experienced institutional child sexual abuse.<sup>1</sup> Pursuant to section 193 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) (the **Act**), the Redress Scheme is scheduled to end on 30 June 2028.
3. The Law Council has received feedback from the profession that the Redress Scheme has been a valuable support and healing mechanism for survivors of child sexual abuse through its counselling and psychological care component, its redress monetary payment, and the Redress Scheme's facilitation of direct personal responses from the participating institutions responsible for the abuse.
4. For the reasons set out in this submission, the Law Council supports an extension of the Redress Scheme proposed end date, together with further resourcing for community-based support services that assist survivors to access the Redress Scheme. On balance, we are of the view that the Redress Scheme should be extended for at least a further five years.

## Background to the Redress Scheme

5. The Redress Scheme consists of the following three components:
  - a counselling and psychological care component;
  - a redress monetary payment; and
  - a 'direct personal response' from each participating institution responsible for the abuse.
6. Feedback provided by the legal profession, including those working with Aboriginal and Torres Strait Islander clients, has emphasised that the Redress Scheme has been valuable in assisting the healing of survivors of institutional child sexual abuse. In contrast to civil litigation, the Redress Scheme can be a more expeditious, less complex and less traumatic experience for survivors than pursuing civil litigation. However, the Law Council considers that it is essential that survivors retain a choice as to whether to pursue civil litigation or opt for the Redress Scheme, just as survivors must have a genuine choice of legal representation when holding institutions to account.

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<sup>1</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report – Redress and civil litigation report recommendations* (15 December 2017) <[https://www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_\\_recommendations.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report__recommendations.pdf)>.

7. The Redress Scheme can also be regarded as offering certain benefits to participating institutions. For example, participating institutions are released from future civil actions, and may benefit from the certainty provided by a structured pathway to redress.
8. We understand that the 'direct personal response' component of the Redress Scheme has been particularly beneficial for survivors of institutional child sexual abuse.<sup>2</sup> This acknowledgment, which is agreed in concert with the survivor, is often a reason why survivors choose to apply to and accept an offer from the Redress Scheme, thereby forgoing any rights that may arise under a civil common law claim, which could potentially result in a higher award of damages than the capped maximum payment of \$150,000 under the Redress Scheme.

## Extension of the Redress Scheme

9. The Law Council is aware of concerns that there has been a sharp increase in the number of applications to the Redress Scheme in recent years. There may be several factors that have led to these increases, in addition to the upcoming sunset of the Redress Scheme. This includes legislative changes enacted by the *National Redress Scheme for Institutional Child Sexual Abuse Amendment Act 2024* (Cth) which led to:
  - removing the restriction on people applying from prison; and
  - refining the special assessment process for serious criminal convictions; and
  - allowing applicants to provide additional information with a request for review of their redress offer.
10. The Law Council supports extending the end date of the Redress Scheme to ensure that the applications can be properly and fairly assessed, and that timelines for applications do not place undue pressure on applicants. An extension of time is also likely to provide an opportunity to increase awareness of the Redress Scheme, particularly in regional or remote areas and within Aboriginal and Torres Strait Islander communities.
11. The report of this Joint Standing Committee dated 26 November 2024 recommended that the Australian Government seek agreement from state and territory governments to extend the Redress Scheme beyond 2028, including agreement on extending existing state power referrals to the Commonwealth.<sup>3</sup> This takes into account the original recommendation of the Royal Commission that, rather than a fixed closing

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<sup>2</sup> A 'direct personal response' is an opportunity for a survivor to receive an apology from an institution for harm experienced. Pursuant to s. 7 of the *National Redress Scheme for Institutional Child Sexual Abuse Direct Personal Response Framework 2018*, a direct personal response must be given by one or more of the following methods; (a) a face-to-face meeting, in which the survivor meets with a senior official of the responsible institution; (b) written engagement with the survivor; (c) any other method agreed with the survivor.

<sup>3</sup> Joint Standing Committee on Implementation of the National Redress Scheme, *Redress – Journey to Justice*, (26 November 2024), <[https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/RB000213/toc\\_pdf/RedressJourneytoJustice.pdf](https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/RB000213/toc_pdf/RedressJourneytoJustice.pdf)>.

date, the Redress Scheme should be wound up ‘when applications ... reduce to a level where it would be reasonable to consider closing’.<sup>4</sup>

12. On 24 November 2025, the Australian National Audit Office published its report on the Department of Social Services’ Management of the National Redress Scheme. Broadly, the report concluded that, while the administration of the Redress Scheme was partly effective, 60 per cent of applications await an outcome as of 4 July 2025.<sup>5</sup> The report specifies that there has been no detailed communication planning for the end of the Redress Scheme in 2028.<sup>6</sup>
13. Consistent with these reports, views expressed to the Law Council indicate strong support for extending the Redress Scheme’s sunset date by a minimum of five years (to at least 30 June 2033), to:
  - ensure fairness for existing applications;
  - provide access to justice for survivors who are yet to submit applications;
  - align the Redress Scheme with the recommendations from the Royal Commission; and
  - avoid perpetuating trauma from removing financial redress and psychological supports.
14. This proposed extension will ensure that the Redress Scheme continues to meet the primary objects of the Act, which are:
  - to recognise and alleviate the impact of past institutional child sexual abuse and related abuse; and
  - to provide justice for the survivors of that abuse.<sup>7</sup>
15. We received some divergent views as to the extent to which the date for new applications should be extended beyond the 30 June 2028 sunset date. However, the majority of feedback supported at least a five-year extension. At a minimum, there is unanimous support across the Law Council for extending the Redress Scheme to ensure that all applications made before that date are properly processed and determined.

## Ensuring fairness for existing applications

16. A five-year extension to the end date of the Redress Scheme will ensure fairness for existing applications. The November 2024 report of this Joint Standing Committee expressed concerns that ‘the Scheme will be unable to provide redress to all eligible applicants on time’.<sup>8</sup>

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<sup>4</sup> Royal Commission into Institutional Responses to Childhood Sexual Abuse, *Final Report – Redress and Civil Litigation Report* (2015) 38 <[https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/final\\_report\\_\\_redress\\_and\\_civil\\_litigation.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/final_report__redress_and_civil_litigation.pdf)>.

<sup>5</sup> Auditor-General Report No.9 2025–26, *Department of Social Services’ Management of the National Redress Scheme* (November 2025), 8.

<sup>6</sup> *Ibid*, 9.

<sup>7</sup> *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) s 3(1).

<sup>8</sup> Joint Standing Committee on Implementation of the National Redress Scheme, *Redress – Journey to Justice* ([Report](#), November 2024), 8.

17. As of 31 December 2025, over 43,500 applications are yet to receive an outcome, of which another 29,053 are estimated to be actionable by the Redress Scheme.<sup>9</sup> We do not expect that the Department will be capable of processing all applications by 30 June 2028. Even if all applications were to be completed by this deadline, there is a risk that they may not be assessed with the necessary diligence and care due to capacity and time constraints.
18. Ensuring fairness for survivors must remain a paramount consideration, and we are concerned that sunseting the Redress Scheme on 30 June 2028 will fail to provide redress to many eligible survivors.

## Providing access to justice for survivors who are yet to submit applications

19. The Law Council recognises that survivors of historical institutional abuse may not be ready to confront their history and trauma. As noted in the Joint Standing Committee's 2024 Report, 'thinking about redress or asking for redress can be confronting and overwhelming'.<sup>10</sup> We recognise that answering the questions in the application form can often be retraumatising to survivors. Extending the Redress Scheme's end date by at least five years will give survivors more opportunity to engage with the process at their own pace.
20. We understand anecdotally that many applicants to the Redress Scheme have been sent letters from the Department requesting further information to progress their application. For the reasons stated above, we are concerned that the current sunseting date for the Redress Scheme will place undue pressure on these applicants to respond in inadequate timeframes, perpetuating their stress and trauma.
21. In addition, accessibility barriers exist for survivors who are not literate in English or may not have regular or reliable internet access to complete an application. We have received feedback that Aboriginal and Torres Strait Islander communities, in particular, have additional reasons to not yet come forward, including added shame and intergenerational trauma, and a lack of accessibility in remote communities to the necessary technologies or network coverage. More generally, some survivors are experiencing homelessness or financial disadvantage, adding to the emotional stress and administrative burden of applying. As noted above, the Redress Scheme was only extended to people applying from prison in 2024.<sup>11</sup>
22. In our view, Aboriginal and/or Torres Strait Islander Community-Controlled Organisations (**ACCOS**) continue to be best placed to work with potential claimants, or at least facilitate access to independent legal representation, including the Knowmore Legal Service, recognising the work done by Knowmore to reach these claimants.<sup>12</sup> We suggest that Government should prioritise funding to ACCOs to increase awareness of the Redress Scheme to Aboriginal and Torres Strait Islander

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<sup>9</sup> National Redress Scheme, News – January 2026 ([Webpage](#), 2026).

<sup>10</sup> Joint Standing Committee on Implementation of the National Redress Scheme, *Redress – Journey to Justice* ([Report](#), November 2024), 3.

<sup>11</sup> *National Redress Scheme for Institutional Child Sexual Abuse Amendment Act 2024* (Cth).

<sup>12</sup> The Knowmore 'Aboriginal and Torres Strait Islander support' page sets out measures adopted in this regard including Aboriginal Engagement Advisors.



communities in line with Priority Reform 2 of the National Agreement on Closing the Gap.

23. An extension to the sunseting of the Redress Scheme is necessary—to allow sufficient time for survivors to make an application, and to accommodate the diverse circumstances that may otherwise prevent them from applying in a timely way.

## Alignment with the recommendations of the Royal Commission

24. As noted above, the Royal Commission's *Redress and Civil Litigation* Report addressed the question of an end date for the Redress Scheme, recommending as follows:

*A redress scheme should have no fixed closing date. But, when applications to the scheme reduce to a level where it would be reasonable to consider closing the scheme, those who operate the redress scheme should consider specifying a closing date for the scheme. The closing date should be at least 12 months into the future.*<sup>13</sup>

25. In our view, sunseting the Redress Scheme on 30 June 2028 could contradict the findings of the Royal Commission, noting that there does not yet appear to be a reduction in applications at a level envisaged by the Royal Commission.

## Avoiding perpetuating trauma

26. The Law Council is concerned that sunseting the Redress Scheme would perpetuate trauma suffered by survivors of institutional abuse. The financial redress and psychological supports currently available through the Redress Scheme are increasingly important in light of the High Court decision in *Bird v DP* on 13 November 2024.<sup>14</sup> With respect to the question of whether the Roman Catholic Diocese of Ballarat was vicariously liable for sexual assaults committed by one of its former priests—who was not an employee or 'agent' of the Diocese, but in a relationship 'akin to employment'—the majority of the High Court held that the principles of vicarious liability are confined to employment relationships. This decision has the effect of precluding survivors of child sexual abuse from claiming damages under principles of vicarious liability for the acts committed by individuals due to the absence of an employment relationship.
27. Without available damages in certain cases, the Redress Scheme is the primary form of redress for many survivors of institutional child sexual abuse. As such, it is important that the Redress Scheme remains accessible until at least 2033.

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<sup>13</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and Civil Litigation* ([Report](#), September 2015) Recommendation 48.

<sup>14</sup> [2024] HCA 41.

### **Recommendations**

- **The Redress Scheme should be extended beyond its current sunset date by at least a further five years.**
- **Aboriginal and/or Torres Strait Islander Community-Controlled Organisations should be adequately resourced to promote awareness of the Redress Scheme to Aboriginal and Torres Strait Islander communities.**

## About the Law Council of Australia

The Law Council of Australia represents the legal profession at the national level; speaks on behalf of its constituent bodies on federal, national, and international issues; promotes and defends the rule of law; and promotes the administration of justice, access to justice, and general improvement of the law.

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- the Australian Capital Territory Bar Association;
- the Law Society of the Australian Capital Territory;
- the New South Wales Bar Association;
- the Law Society of New South Wales;
- the Northern Territory Bar Association;
- the Law Society Northern Territory;
- the Bar Association of Queensland;
- the Queensland Law Society
- the South Australian Bar Association;
- the Law Society of South Australia;
- the Tasmanian Bar;
- the Law Society of Tasmania;
- the Victorian Bar Incorporated;
- the Law Institute of Victoria;
- the Western Australian Bar Association;
- the Law Society of Western Australia; and
- Law Firms Australia.

Through these bodies, the Law Council represents more than 110,000 Australian lawyers.

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