

6 February 2026

Committee Secretariat
Joint Standing Committee on Implementation of the National Redress Scheme
Parliament of Australia
By email: redress@aph.gov.au

Dear Committee,

Inquiry into the continuing operations of the National Redress Scheme

Legal Aid NSW welcomes the opportunity to provide feedback on the availability and effectiveness of support services for applicants, and transition arrangements as the National Redress Scheme (**Scheme**) approaches its end on 30 June 2028.

Legal Aid NSW provides legal services across NSW in civil, criminal and family law, with an emphasis on assisting socially disadvantaged and economically marginalised people. Our specialist teams assisting survivors include the Children's Civil Law Service and Disability Legal Support service.

[The Scheme's operational timeline and potential extension](#)

The Scheme's current processing timeframe of 12-18 months relates to a significant backlog¹ of applications. In our practice experience, the minimum time applicants expect to wait for a determination is 18 months. We are concerned long processing times could prevent current eligible survivors from achieving resolution of their applications by 30 June 2028, and we support the timeline being extended for this purpose.

New applications by survivors to the Scheme will be accepted until 30 June 2027. However, the processing times and requirements to obtain records and documents may prevent otherwise eligible applicants from lodging by this date. In our experience, lengthy processing times would operate to disadvantage young people currently in, or exiting, out-of-home care, and prisoners accessing their entitlements under the Scheme.

¹ As noted in the National Redress Scheme's data for 30 September 2025, of 68,184 applications, 41,276 applications are yet to have their outcome advised: 'October 2025', *National Redress Scheme* (Web Page, 20 October 2025) <<https://www.nationalredress.gov.au/news/october-2025>>.

Young people who are 15 years old as of late 2025, being those born before 30 June 2010, and who suffered abuse before 1 July 2018, are currently eligible to apply for the Scheme.² While applications are accepted until 30 June 2027, the Scheme will in practice only determine an application once the applicant turns 18 years old.³

Eligible young people currently in care, or who have recently exited care, require more time than is provided by the Scheme's end date to consider their options and achieve equitable access to justice.

This vulnerable cohort experience the following barriers:

1. Lack of knowledge of legal rights and options on exiting care
2. Limited capacity to access their own records (some being prevented until 18 years of age)
3. Significant time for survivors to receive historical records from their time in care
4. Limited opportunity to seek legal advice, including about whether to pursue a civil claim or an application to the Scheme
5. Limited capacity to respond to requests for information from the Scheme, and
6. Competing obligations and responsibilities in accessing housing, employment, education and social supports.

We recommend the Scheme continue to accept care leavers who currently fit into the eligibility framework of the Scheme,⁴ and allow them to apply up until 25 years of age. This is consistent with the 'aftercare assistance'⁵ provision in NSW, which requires the Minister responsible for the Department of Communities and Justice to provide continuing support to young people leaving out-of-home care in recognition that a young person leaving care will need ongoing help with housing, employment or other challenges up until 25 years of age.⁶

In addition to young people, people in prison are also highly vulnerable and face similar barriers to accessing the supports to explore legal options or responding to the Scheme. While the Scheme recently removed the barrier to those in prison applying,⁷ there is a concern that not all eligible clients would be aware of the change in eligibility.

People in custody may be prevented from applying to the Scheme because:

1. the form is long and due to the sensitive nature, people in custody may not request assistance to complete it

² *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) s 14.

³ *National Redress Scheme Rules* (Cth) s 21.

⁴ *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) s 13.

⁵ *Children and Young Persons (Care and Protection) Act 1998* (NSW) s 165.

⁶ NSW Department of Communities and Justice, *Guidelines for the provision of assistance after leaving long term statutory out-of-home care* (24 August 2023) 1.

⁷ *National Redress Scheme for Institutional Child Sexual Abuse Amendment Bill 2023* (Cth).

2. the application can be requested and sent but due to the sensitive nature, people in custody may not want to be seen to be receiving the application, and
3. people in custody do not have access to support after disclosing their abuse.

We recommend the Scheme continue to accept applications from prisoners in or exiting custody who would otherwise be eligible for the Scheme.

Access to justice by vulnerable cohorts following changes to Scheme access

The operation of the Scheme continues to present significant barriers for survivors, particularly due to the narrow and restrictive definitions of institutional responsibility as ‘primarily’ or ‘equally’ responsible for abuse.⁸ A recurring issue is the exclusion of cases where abuse occurred on institutional grounds but was perpetrated by individuals not formally employed or engaged during official hours. For example, one client was abused on school property by a contractor after hours, yet the institution was deemed not liable and the application was rejected. This left the survivor without access to redress or alternative support pathways.

It is unclear in practice whether the 2024 amendments to broaden the Scheme addressed this gap.⁹ In our experience, the limitation appears to persist, continuing to deny justice to survivors whose experiences fall outside the Scheme’s narrowly defined liability framework.

We recommend that the Committee consider whether the current definition and test of institutional liability are sufficiently inclusive and trauma-informed. Specifically, it should assess whether survivors who were abused in institutional contexts – regardless of the perpetrator’s formal role or timing – are being unjustly excluded. Expanding the scope of liability may be necessary to ensure the Scheme meets its statutory objectives and the expectations of survivors.

If you have any questions or would like to discuss this letter further, please contact Helen Cooper, Senior Strategic Law Reform Officer, Strategic Law Reform Unit, at

Yours sincerely


Jane Cipants
A/Chief Executive Officer

⁸ *National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth)* s 15.

⁹ *National Redress Scheme for Institutional Child Sexual Abuse Amendment Bill 2023 (Cth)*.