

Community Affairs Legislation Committee

INQUIRY INTO THE COMMONWEALTH REDRESS SCHEME FOR SURVIVORS OF INSTITUTIONAL CHILD SEXUAL ABUSE BILL 2017 AND RELATED BILL – 28 FEBRUARY 2018 ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: Treatment of payments made under the Redress Scheme.

Question reference number: N/A

Senator: Slade Brockman

Type of question: Post Hearing Question

Date set by the committee for the return of answer: 7 March 2018

Number of pages: 1

Question: Can the Department of Social Services (department) please provide information as to whether the department anticipates payments made to eligible individuals under the Redress Scheme would be subject to the [*Health and Other Services (Compensation) Act 1995* (Compensation Act)]? In requesting this information, the committee particularly notes Section 8 of the Compensation Act, which provides a mechanism for the Commonwealth to recover past Medicare benefits from compensation payments, and Section 4, which defines the types of payments classified as compensation for the purposes of the Act.

Answer: Clause 45 of the Commonwealth Bill provides that for the purposes of any law of the Commonwealth, a state or a self-governing territory, a redress payment:

- a) is not to be treated as being a payment of compensation or damages; and
- b) is absolutely inalienable, whether by way of, or in consequence of, sale, assignment, charge, execution, bankruptcy or otherwise; and
- c) an amount must not be deducted from a redress payment.

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Question: Can the department also please provide information as to whether it has identified any other legislation from which it considers a Redress Scheme payment ought to be quarantined?

Answer: There is no need for specific quarantining. Clause 45 of the Commonwealth Bill provides that for the purposes of any law of the Commonwealth, a state or a self-governing territory, a redress payment:

- a) is not to be treated as being a payment of compensation or damages; and
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Question: Can the department please provide information as to any impact a Redress Scheme payment may have on a pension paid under the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*?

Answer: The Rules can prescribe payments that are not relevant payments for the purposes of working out the amount of a redress payment. The Rules will specify that payments made under the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* are not relevant payments and, as such, will not be impacted by the Redress Scheme.