

24 July 2026

Dr James Popple
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By email: janina.richert@lawcouncil.au

Dear Dr Popple

National Redress Scheme Eighth Anniversary Review

1. I refer to correspondence from the Law Council dated 7 July 2026 in relation to the independent review of the National Redress Scheme under subsection 192(2) of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).
2. The Redress Scheme was established in 2018 in response to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse. The Scheme is legislated to end on 30 June 2028.
3. The Society previously provided a submission dated 29 August 2025 in response to the recommendation from the Royal Commission Redress and Civil Litigation Report that the Redress Scheme should have no fixed closing date but that once applications reduce to a point where closing the Scheme is reasonable, then at that point a closing date at least 12 months into the future should be specified. The Society noted in that submission that there had been a marked increase in applications to the Scheme and a significant backlog in the processing of applications, with over 37,000 applications yet to receive an outcome as at June 2025. In relation to sunseting of the Scheme, the Society recognised the need for certainty and clarity for the administration of the Scheme but that access to the Scheme and procedural fairness for survivors should be the paramount consideration. On that basis, the Society recommended the extension of the Scheme for a minimum period of five years, prior to which there should be a review of application numbers and the processing timeframes and backlog.
4. According to the Terms of Reference, this current Review will:
 - assess Scheme performance and effectiveness to evaluate operational, financial, and governance arrangements, including how well the Scheme has met its objectives (including the extent to which it has achieved the objects of the *National Redress Scheme for Institutional Child Sexual Abuse Act*) and supported survivors;
 - consider survivor experience and accessibility to examine fairness, accessibility, and outcomes for survivors, and identify lessons to strengthen survivor-informed approaches in future policy and service design;
 - review institutional and jurisdictional participation to assess engagement and obligations of participating institutions and governments, and explore implications for broader system design and accountability;

- examine legislative, policy, and operational frameworks to identify changes that could improve Scheme operations;
 - provide insights to inform strategic considerations for the effective and efficient closure of the Scheme;
 - be informed by inquiries against the matters in section 192(2) of the *National Redress Scheme for Institutional Child Sexual Abuse Act*; and
 - under section 192(4) of the *National Redress Scheme for Institutional Child Sexual Abuse Act*, also consider 'the results of any other review or evaluation conducted in relation to the operation of the Scheme'.
5. This submission was prepared with the assistance of the Society's Justice Access, Children and the Law and Aboriginal Issues Committees.
 6. The Society supports measures that address abuse against children and that preserve the legal rights of survivors of childhood sexual abuse. The Society acknowledges the important role of the Redress Scheme in providing survivors with access to counselling and psychological support, acknowledging their experience and delivering financial redress. These responses are meaningful in supporting recovery and promoting justice.
 7. Members of the Society's Justice Access Committee note that the volume of applications to the Redress Scheme has resulted in significant administrative challenges and consider that additional resources should be allocated to processing applications. Members report that it is very difficult to obtain updates on applications and that processing times are excessively long. The overwhelming number of outstanding applications indicates that additional resources or an extension of time (or more likely, both) are required to maintain confidence in the Scheme and ensure that applications are treated consistently and with diligence.
 8. The Society's Children and the Law Committee notes the impact of the Scheme particularly on institutions currently providing important services to young people, and considers that without government assurance and funding the impact of aged claims present a very real risk to the solvency of small community-based organisations. In addition, the Committee considers that phasing out of the Scheme implicitly suggests that institutional child abuse has ceased, and will no longer be a point of contention in the future. No matter the safeguards put in place, this seems unlikely.
 9. Members of the Aboriginal Issues Committee have experience representing survivors of institutional child abuse and institutions that have responded to claims, and have expressed differing views on whether the Redress Scheme should be extended beyond the scheduled end date of June 2028. The divergent views of the Committee reflect the imperative of balancing the risk of denying justice to survivors with the very real burden of the Scheme on institutions.
 10. The primary purpose of the Scheme is to provide justice and recognition for survivors of institutional child abuse. Maintaining the current sunset date risks excluding survivors who are not yet ready to disclose their abuse or engage with the Scheme. The circumstances that arise in a person's life that may present the opportunity to report historical abuse are unique in each case. A fixed end date may arbitrarily deny access to redress for otherwise legitimate claims.
 11. There are generally no limitation periods for civil claims relating to historical child sexual abuse, and some Members have suggested that consideration be given to the Scheme aligning with that broader legal approach. While acknowledging that the Scheme places significant burdens on participating institutions, this prioritises ensuring that survivors retain access to justice whenever they are ready to report abuse.

12. Some Members with experience defending claims for small churches and community organisations, acknowledge the importance of redress for genuine survivors but raise concerns about the impact of the Scheme on small community organisations and churches that experience distress and severe financial consequences from historical claims (even if a claim is unsubstantiated), and may result in insolvency or closure for small institutions. This does not deny that many claims are legitimate, but seeks a greater balance between supporting survivors and protecting institutions from financially devastating outcomes of claims. Current processes may place institutions at a disadvantage and therefore they support a reconsideration of the presumptions applied to claims, and certainty around the limitation period for claims under the Scheme.

I trust these comments are of assistance in the development of the Law Council's submission.

Please contact me if you have any queries.

Yours sincerely



David Colovic
President