Law Council
OF AUSTRALIA

National Redress Scheme Eighth Anniversary Review

Department of Social Services

26 August 2026

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Contents

Acknowledgements 2
Executive Summary 3
Recommendations 4
Introduction 5
Extension of the Redress Scheme 5
Processing of claims under the Redress Scheme 7
Knowledge of Redress Scheme among survivors 8
Advice and assistance services 9
About the Law Council of Australia 11

Acknowledgements

The Law Council of Australia thanks:

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

for their contribution to the preparation of this submission.

Executive Summary

1. The Law Council of Australia considers that the National Redress Scheme Eighth Anniversary Review (the **Review**) is an opportunity to consider whether the Redress Scheme remains practically accessible to survivors and capable of delivering fair, timely and trauma-informed outcomes before its current statutory end date.

2. For reasons set out in this submission, the Law Council supports extending the Redress Scheme beyond its current sunset date, with consideration given to removing an end date altogether. This is necessary in light of the significant number of outstanding applications, ongoing processing delays, and the risk that survivors—including those who only recently became aware of the Redress Scheme or who require additional time and support—may otherwise be denied a meaningful opportunity to seek redress. Any extension should be accompanied by additional administrative resourcing to improve processing times, communication with applicants and legal advisers, and the consistency and diligence of decision-making. The Review should consider available data on applications deemed ineligible, with a view to identifying any trends in reasoning and ensuring that unsuccessful applicants are informed of the reasons for decisions, available review mechanisms and alternative pathways to redress.

3. The Law Council further recommends continued investment in culturally safe, trauma-informed and community-based legal and support services, particularly for Aboriginal and Torres Strait Islander survivors, survivors in custody, survivors with low English literacy, and those in regional and remote communities. Aboriginal and Torres Strait Islander Community Controlled Organisations should be adequately resourced to promote awareness of the Redress Scheme and support survivors to engage with it.

4. Finally, the Redress Scheme's approach to advice and assistance should be strengthened to address the risk of exploitation by unregulated advocacy or assistance providers. Survivors should have access to independent, appropriately regulated and properly resourced advice and support so that they can make informed decisions about applying for redress, accepting a redress outcome, or pursuing other legal options.

Recommendations

- **The Redress Scheme should be extended beyond its current sunset date by at least a further five years, with consideration given to removing an end date altogether.**
- **The Redress Scheme should be allocated additional administrative resources to address outstanding applications, reduce processing delays, improve communication with applicants and their legal advisers, and ensure that applications are assessed consistently, diligently and within reasonable timeframes.**
- **The Redress Scheme's decision-making processes (and their communication) should be reviewed to ensure they reflect the general guiding principles under section 10 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), including the principle that redress should be assessed, offered and provided so as to avoid, as far as possible, further harm or trauma to survivors.**
- **The Review should also consider available data on applications deemed ineligible, with a view to identifying any trends in reasoning to ensure the Scheme is operating consistently with its remedial purpose and guiding principles. It is important that unsuccessful applicants are informed of the reasons for decisions, available review mechanisms and alternative pathways to redress.**
- **Aboriginal and/or Torres Strait Islander Community-Controlled Organisations should be adequately resourced to promote awareness of the Redress Scheme.**
- **The Redress Scheme approach to advice and assistance to potential redress applicants should be strengthened to address the risk of exploitation by unregulated advocacy/assistance providers.**

Introduction

5. The Law Council of Australia welcomes the opportunity to contribute to the Review, with a focus on assessing performance, survivor experience, and governance arrangements. The Law Council supports efforts to ensure that the Redress Scheme continues to deliver fair, accessible and compassionate outcomes for survivors.

6. The Redress Scheme plays an important role in recognising the harm suffered by survivors of institutional child sexual abuse and providing access to redress, counselling and direct personal responses from institutions. As the Redress Scheme approaches its legislated closure (an issue discussed further below), the Law Council considers that the key priorities are ensuring accessibility, timeliness and a survivor-centred experience.

7. The Law Council encourages the Review to consider how lessons learned from the operation of the Redress Scheme, particularly through the experiences of individuals who have engaged with the Scheme, can inform future survivor-centred redress, support and accountability mechanisms.

Extension of the Redress Scheme

8. As of 4 July 2025, 60 percent of the 63,995 applications to the Redress Scheme were awaiting an outcome.[1] This represents a significant number of outstanding applications that the Scheme will be required to assess. The Law Council has received feedback that the volume of applications to the Scheme has resulted in significant administrative challenges. Practitioners report that it can be difficult to obtain updates on the progress of applications, and that processing times remain excessively long.

9. The volume of outstanding applications indicates that additional resources and an extension of time (most likely both), are likely to be required to maintain confidence in the Redress Scheme and ensure that applications are treated consistently and with diligence.

10. These administrative pressures provide an important context for the Law Council's continued support for an extension of the National Redress Scheme beyond its current statutory end date. In our previous submission to the Joint Standing Committee on Implementation of the National Redress Scheme, the Law Council recommended that the Scheme be extended by at least a further five years.[2] Rather than restating that submission in full, we draw attention to the following key considerations, which remain directly relevant to the present Review.

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1 Auditor-General, Department of Social Services' Management of the National Redress Scheme (Report No.9, 2025–26) 8: https://www.anao.gov.au/sites/default/files/2025-11/Auditor-General_Report_2025-26_9.pdf.

2 Law Council of Australia, Inquiry into the continuing operation of the National Redress Scheme (Submission, 6 February 2026) 3.

11. First, an extension would support fairness for existing applicants by reducing the risk that survivors feel pressured to make complex and highly personal decisions within compressed timeframes. Engagement with the Scheme often requires survivors to revisit traumatic experiences, seek advice and support, and carefully consider the consequences of participation. Extending the Scheme would help ensure that survivors are able to engage with the process at a pace appropriate to their individual circumstances, rather than being influenced by concerns about impending application deadlines or scheme closure dates.

12. Secondly, an extension would promote access to justice for survivors who have not yet applied, including those who may only recently have become aware of the Redress Scheme, or who require additional time and support before engaging with it. The Law Council remains concerned that, without an extension, eligible survivors may miss the opportunity to access redress simply because they have not had sufficient time, information or support to make an application.

13. Thirdly, extending the Scheme would better align with the intent of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Scheme was established as a key mechanism for recognising and responding to the harm suffered by survivors of institutional child sexual abuse. An extension would help ensure that redress remains practically accessible to survivors and that the objectives underpinning the Royal Commission's recommendations are not undermined by statutory time limits.

14. There are generally no limitation periods for civil claims relating to historical child sexual abuse, and consideration should be given to the Scheme aligning with that broader legal approach. While acknowledging that the Scheme places burdens on participating institutions, this prioritises ensuring that survivors retain access to justice whenever they are ready to report abuse.

15. The Law Council also reiterates that any extension should be accompanied by continued investment in community-based, culturally safe and trauma-informed legal and support services. This should include adequate resourcing for Aboriginal and/or Torres Strait Islander Community Controlled Organisations, which are well placed to provide trusted, culturally safe information and assistance to Aboriginal and Torres Strait Islander survivors, particularly those in regional and remote communities or otherwise facing barriers to engagement.

16. We also note that applicants who are currently in custody may not have the opportunity to have their application processed prior to the current sunsetting date. We understand that the process of preparing an application with a client takes about three to four months. For those in correctional facilities, this timeline usually extends to between six and eight months due to additional complexities and access challenges. The restriction on people in custody applying to the Scheme was only lifted following the passage of the *National Redress Scheme for Institutional Child Sexual Abuse Amendment Act 2024* (Cth).[3] The current sunsetting date may frustrate the purpose of this amendment, as it would mean that a large number of claims by persons in custody would not be able to be processed before the Scheme sunsets, and also raises access to justice concerns.

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[3] National Redress Scheme for Institutional Child Sexual Abuse Amendment Act 2024 (Cth) sch 1 pt 2.

17. Finally, the Law Council is aware of concerns regarding the potential impact of current litigation involving Knowmore Legal Service and the National Association of Community Legal Centres.[4] We received feedback indicating that, until the relevant legal and factual issues have been determined, the proceedings may create uncertainty for practitioners advising clients on the interaction between National Redress Scheme applications and potential common law claims. If so, this may have implications for survivors' access to legal advice and assistance in connection with Scheme applications.

Recommendations

- **The Redress Scheme should be extended beyond its current sunset date by at least a further five years, with consideration given to removing an end date altogether.**
- **The Redress Scheme should be allocated additional administrative resources to address outstanding applications, reduce processing delays, improve communication with applicants and their legal advisers, and ensure that applications are assessed consistently, diligently and within reasonable timeframes.**

Processing of claims under the Redress Scheme

18. The Law Council reinforces the need for a continued emphasis on trauma-informed practices throughout the application and decision-making process under the Redress Scheme. For many survivors, engagement with the Redress Scheme can be difficult and emotionally challenging. Processes, communications and support mechanisms should seek to minimise further distress while maintaining fairness, transparency and procedural integrity.

19. Survivors should be able to understand and navigate the Scheme without unnecessary complexity and receive decisions within a reasonable timeframe. Particular attention should be given to ensuring that vulnerable survivors, including those in regional and remote areas and those facing other barriers to engagement, are able to access the Scheme and the support they require.

20. The Review is an opportunity to consider whether the Redress Scheme's decision-making processes are appropriately communicated, including so that they reflect the general guiding principles under section 10 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth)—particularly subsection 10(4), which provides that redress should be assessed, offered and provided so as to avoid, as far as possible, further harming or traumatising the survivor.

[4] Supreme Court of Victoria, Knowmore Legal Service Group Proceeding (Class Action), *Brian Holmes vs Knowmore Legal Service Limited* (S ECI 2024 03483).

21. This should be considered in the context of the realities of child sexual abuse in circumstances connected with institutional responsibility. In this regard, the Law Council has received anecdotal feedback that some survivors are concerned about questions put to them in their applications—about, for example, the employment status of the perpetrator, or the nature of the connection between the abuse and an institution, including the location where the abuse occurred—in light of the Scheme's remedial purpose.

22. While the Law Council recognises that these questions reflect the current legislative requirements that necessarily define the scope of the Redress Scheme,[5] it is essential that its parameters, their purpose and legislative basis are clearly communicated to applicants, along with the reasons for decisions taken, available review mechanisms, and alternative pathways to redress if a survivor falls outside its parameters. It will also be important for the Review to consider any data on applications deemed ineligible, including any trends in reasons for ineligibility, with a view to ensuring that the Redress Scheme is operating as intended on an ongoing basis.

Recommendations

- **The Redress Scheme's decision-making processes (and their communication) should be reviewed to ensure they reflect the general guiding principles under section 10 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), including the principle that redress should be assessed, offered and provided so as to avoid, as far as possible, further harm or trauma to survivors.**

- **The Review should also consider available data on applications deemed ineligible, with a view to identifying any trends in reasoning to ensure the Scheme is operating consistently with its remedial purpose and guiding principles. It is important that unsuccessful applicants are informed of the reasons for decisions, available review mechanisms and alternative pathways to redress.**

Knowledge of Redress Scheme among survivors

23. The Law Council acknowledges the important work undertaken by Knowmore to reach Aboriginal and Torres Strait Islander communities, including through its dedicated Aboriginal Engagement Advisors.[6] However, the Law Council has received feedback suggesting that awareness of the Redress Scheme remains limited in some Aboriginal and Torres Strait Islander communities. The Review should consider the extent and effectiveness of outreach undertaken to date, including whether communications have been culturally safe, accessible and sufficiently targeted.

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5 Eg, National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth), ss 13-15.
6 Knowmore, Aboriginal and Torres Strait islander support (Website, undated).

24. Aboriginal and Torres Strait Islander Community Controlled Organisations are well placed to work with potential claimants. We suggest that Government should prioritise funding to these organisations to increase awareness of the scheme to Aboriginal and Torres Strait Islander communities in line with Priority Reform 2 of the National Agreement on Closing the Gap.

25. The Law Council remains concerned about potential barriers faced by Aboriginal and Torres Strait Islander survivors, including those in custody, those with low English literacy, and those in regional and remote communities. As noted above, without an extension to the sunsetting date, there is a real risk that some of the most vulnerable and marginalised survivors will be denied the opportunity to apply to the Scheme and have their application assessed on its merits.

Recommendation

- **Aboriginal and/or Torres Strait Islander Community-Controlled Organisations should be adequately resourced to promote awareness of the Redress Scheme.**

Advice and assistance services

26. A significant challenge has been to ensure that potential claimants are aware of the Scheme and how it works, as well the availability of, and access to, legal advice needed to make informed choices about whether to apply for and accept a redress package or pursue alternatives such as civil litigation. Connected with this have been concerns about the emergence of a 'survivor advocacy/assistance' industry, and the rise of 'claim farming' practices.

27. The Scheme's approach to advice and assistance has been:

    - a free and independent community-based legal service, with referral to another legal firm where appropriate (including where a person opts to pursue claims outside of the Scheme);

    - a network of specialist national, state and territory redress support service organisations, specialising in supporting people who have suffered trauma; and

    - a mechanism established by the Scheme's legislation[7] (Part 4.2) for the appointment, by the Scheme operator, of assistance nominees (to assist an applicant with the redress process) or legal nominees (to act under legal authority on an applicant's behalf).

28. Legislation prohibiting claim farming is in effect in both New South Wales[8] and Queensland,[9] and has been enacted but is not yet commenced in South Australia.[10] While such legislation (where it is in effect) prohibits the payment and receipt of fees or benefits as consideration for referrals of potential claimants, there remains a risk of

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7 *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).
8 *Claim Farming Practices Prohibition Act 2025* (Cth).
9 *Personal Injuries Proceedings and Other Legislation Amendment Act 2002* (Cth).
10 *Statutes Amendment (Claim Farming) Act 2025* (Cth).

exploitation of redress scheme claimants by survivor advocates entering into commission-based arrangements directly with claimants for “assisting” claimants to prepare and lodge redress scheme applications.

29. The Law Council’s concern is that a ‘survivor advocacy/assistance’ industry operating outside the scope of existing professional and occupational regulation schemes (such as are in place for legal practitioners) or outside of the regulatory scope of the Act itself, creates a significant risk to potential Redress Scheme claimants arising from incorrect and misleading information and “advice”, and financial exploitation.

Recommendation

- **The Redress Scheme approach to advice and assistance to potential redress applicants should be strengthened to address the risk of exploitation by unregulated advocacy/assistance providers.**

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.

The Law Council advises governments, courts, and federal agencies on ways in which the law and the justice system can be improved for the benefit of the community. The Law Council also represents the Australian legal profession overseas, and maintains close relationships with legal professional bodies throughout the world. The Law Council was established in 1933, and represents its constituent bodies:

- 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.

The Law Council is governed by a board of 23 Directors: one from each of the constituent bodies, and six Executive members elected by Directors. The Directors meet quarterly to set objectives, policy, and priorities for the Law Council. Between Directors' meetings, responsibility for the policies and governance of the Law Council is exercised by the Executive members, led by the President. In 2026, the Law Council Executive comprises:

- Ms Tania Wolff, President
- Ms Elizabeth Shearer, President-elect
- Mr Lachlan Molesworth, Treasurer
- Ms Jennifer Ball, Executive Member
- Mr Justin Stewart-Rattray, Executive Member
- Mr Ante Golem, Executive Member

The Chief Executive Officer of the Law Council is Dr James Popple.

The Law Council's Secretariat is based in Canberra. Its website is www.lawcouncil.au.