



National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018

made under section 32 of the

National Redress Scheme for Institutional Child Sexual Abuse Act 2018

Compilation No. 2

Compilation date: 26 September 2024

Includes amendments: F2024L01208

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018* that shows the text of the law as amended and in force on 26 September 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This instrument is the *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018*.

3 Authority

This instrument is made under section 32 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) counselling and psychological component;
- (b) non-sexual abuse;
- (c) redress payment;
- (d) related;
- (e) sexual abuse.

In this instrument:

Act means the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

contact abuse: relevant sexual abuse of a person is **contact abuse** if:

- (a) any of that abuse involved physical contact with the person by someone else or by an object used by someone else (even if the rest of that abuse did not); and
- (b) none of that abuse involved penetration of the person.

exposure abuse: relevant sexual abuse of a person is **exposure abuse** if none of that abuse involved physical contact with the person (whether involving penetration of the person or not) by someone else or an object used by someone else.

extreme circumstances: sexual abuse of a person occurred in **extreme circumstances** if:

- (a) the abuse was penetrative abuse; and
- (b) taking into account:
 - (i) whether the person was institutionally vulnerable; and
 - (ii) whether there was related non-sexual abuse of the person;
 it would be reasonable to conclude that the sexual abuse was so egregious, long-term or disabling to the person as to be particularly severe.

institutionally vulnerable: a person who suffered sexual abuse was **institutionally vulnerable** if, having regard to the following matters relating to

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the responsible institution for the abuse and the time of the abuse, it would be reasonable to conclude that the person's living arrangements at the time increased the risk of sexual abuse of the person occurring:

- (a) whether the person lived in accommodation provided by the institution;
- (b) whether the institution was responsible for the day-to-day care or custody of the person;
- (c) whether the person had access to relatives or friends who were not in the day-to-day care or custody of the institution;
- (d) whether the person was reasonably able to leave the day-to-day care or custody of the institution;
- (e) whether the person was reasonably able to leave the place where the activities of the institution took place.

penetrative abuse: relevant sexual abuse of a person is ***penetrative abuse*** if any of that abuse involved penetration of or by the person (even if the rest of that abuse did not).

relevant sexual abuse of a person means all of the sexual abuse of the person within the scope of the scheme for which one or more participating institutions are responsible (even if one or more participating institutions are responsible for some of that abuse and one or more other participating institutions are responsible for the rest of the abuse).

Part 2—Amount of redress payment

5 Amount of redress payment

- (1) The amount of a redress payment for a person is worked out using the following table as described in subsection (2):

Amount of redress payment					
	Column 1	Column 2	Column 3	Column 4	Column 5
	Kind of sexual abuse of the person	Recognition of sexual abuse and its impact	Recognition of related non-sexual abuse	Recognition person was institutionally vulnerable	Recognition of extreme circumstances of sexual abuse
1	Penetrative abuse	\$90,000	\$5,000	\$5,000	\$50,000
2	Contact abuse	\$40,000	\$5,000	\$5,000	Nil
3	Exposure abuse	\$10,000	\$5,000	\$5,000	Nil

Note 1: Only one item of the table can be relevant to a person. This is because an item covers all relevant sexual abuse of the person.

Note 2: The amount of the redress payment is also affected by section 30 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* and the rules made for the purposes of that section.

- (2) Total:
- (a) the amount in column 2 of the item of the table relevant to the sexual abuse of the person; and
 - (c) if there was non-sexual abuse of the person that was related to the sexual abuse—the amount in column 3 of that item; and
 - (d) if the person was institutionally vulnerable—the amount in column 4 of that item; and
 - (e) if the sexual abuse occurred in extreme circumstances—the amount (if any) in column 5 of the item.

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Part 3—Amount of counselling and psychological component of redress

6 Amount of counselling and psychological component of redress

The amount of the counselling and psychological component of redress for a person is worked out using the following table:

Amount of the counselling and psychological component of redress	
Column 1	Column 2
Kind of sexual abuse of the person	Amount of the component
1 Penetrative abuse	\$5,000
2 Contact abuse	\$2,500
3 Exposure abuse	\$1,250

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018	29 June 2018 (F2018L00969)	1 July 2018 (s 2(1) item 1)	
National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework Amendment (Categories of abuse) Declaration 2019	23 Oct 2019 (F2019L01369)	24 Oct 2019 (s 2(1) item 1)	—
National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework Amendment (Combining impact and recognition of abuse payment) Declaration 2024	25 Sept 2024 (F2024L01208)	26 Sept 2024 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2.....	rep LA s 48D
s 4.....	am F2019L01369
Part 2	
s 5.....	am F2024L01208