



National Redress Scheme for Institutional Child Sexual Abuse Amendment (2025 Measures No.1) Rules 2025

I, Amanda Rishworth, Minister for Social Services, make the following instrument.

Dated 10.02.2025

Amanda Rishworth
Minister for Social Services

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1 Name

This instrument is the *National Redress Scheme for Institutional Child Sexual Abuse Amendment (2025 Measures No.1) Rules 2025*.

2 Commencement

This instrument commences on the day after registration.

3 Authority

This instrument is made under section 179 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

4 Schedules

Each instrument that is specified in Schedule 1 to this instrument is amended or repealed as set out in the applicable items in Schedule 1, and any other item in Schedule 1 to this instrument has effect according to its terms.

Schedule 1—Amendments

National Redress Scheme for Institutional Child Sexual Abuse Rules 2018

1 Section 15B (table item 2, column 2, paragraph (e))

Omit “20P”, substitute “21N”.

2 Section 15B (table item 2, column 2, paragraph (g))

After “sections”, insert “79Q,”.

3 Section 15B (table item 2, column 2, paragraph (m))

Omit “section”, substitution “sections 45 and 49D”.

4 After section 29

Insert:

**Division 7—Special rules for crediting reassessment surplus to
institutions and funder of last resort**

**29A Special rules for crediting reassessment surplus to institutions and
funder of last resort**

- (1) This section is made for the purposes of paragraph 71Z(3)(b) of the Act.
- (2) In the case of a defunct institution, that is not a participating institution, the Operator will undertake best endeavours to pay the surplus to the following person in the specified order:
 - (a) First to each person identified in accordance with the constitution or other governing documents of the institution.
 - (b) If the person identified in paragraph (a) is not available or cannot accept the payment, to each person identified in accordance with the directions of a liquidator.
 - (c) If the person identified in paragraph (a) and (b) is not available or cannot accept the payment, to each person that may have taken responsibility for the defunct institution.

5 After section 31 note 3

Insert:

Note 4: Per subsection 71H(2) of the Act, section 31 of the Rules also applies to acceptance documents made for a new offer of redress based on a reassessment decision.

6 Section 32 Simplified outline of this Part

Repeal the simplified outline, and substitute:

A person's redress payment or counselling and psychological services payment must be paid to a bank account nominated by a person or, if it cannot be paid to that account because the account has been closed after the person's death, a bank account nominated by the person's executor or administrator.

If the redress payment or counselling and psychological services payment is required to be paid to an administrator appointed to make certain decisions on behalf of a person, it must be paid to a bank account nominated by the administrator.

If the applicant for redress dies before the Operator has determined the application or before an offer of redress arising from the application has been accepted, the Operator must give notice relating to any additional redress payment payable as a result of a decision on the application or on review of such a decision (if the review was applied for, but not completed, before the applicant died).

If the reassessee dies before a reassessment decision is made or before a new offer of redress is accepted, declined or withdrawn the Operator must give notice relating to any additional redress payment payable as a result of a reassessment decision or on review of such a decision (if the review was applied for, but not completed, before the applicant died).

If the reassessee dies before their current determination was identified for reassessment, and a new determination is made as a result of the reassessment, the Operator must give notice relating to any additional redress payment payable as a result of the reassessment decision.

7 After section 35

Insert:

35A Notice of effect of section 71M of the Act

- (1) This section is made for the purposes of subsection 71M(5) of the Act.
- (2) If subsection 71M(4) applies, the Operator must give written notice of the reassessment decision to the person the Operator considers most appropriate in place of the reassessee.

Note 1: Subsection 71M(3) of the Act applies if, before the reassessee died, they made an application under section 71T for review of the reassessment decision, the offer is withdrawn and the application for review continues as if the reassessee had not died.

Note 2: Sections 35 and 35A of the Act require institutions and funders of last resort specified in the determination to be given notice to.

- (3) The notice must state:
 - (a) the reasons for the review of the reassessment decision; and
 - (b) the total amount of redress payable; and
 - (c) if the reassessment decision results in a redress payment amount which is more than the current determination, the difference between the amount in the current determination and the amount of the additional redress payment.

35B Notice of effect of section 71N of the Act

- (1) This section is made for the purposes of subsection 71N(4) of the Act.
- (2) If subsection 71N(3) applies, the Operator must give written notice of the reassessment decision to each person the Operator considers most appropriate in place of the reassessee.

Note 1: Section 71N of the Act requires a reassessment to be determined despite the death of the applicant.

Note 2: Sections 35 and 35A of the Act require institutions and funders of last resort specified in the determination to be given notice too.

- (3) The notice must state:
 - (a) the reasons for the reassessment decision; and
 - (b) the total amount of redress payable; and
 - (c) if the reassessment decision results in a redress payment amount which is more than the current determination, the difference between the amount in the current determination and the amount of the additional redress payment.

35C Notice of effect of section 71P of the Act

- (1) This section is for the purposes of subsection 71P(4) of the Act.
- (2) If subsection 71P(3) applies, the Operator must give written notice of the reassessment decision to the person the Operator considers most appropriate in place of the reassessee.

Note 1: Section 71P of the Act requires a reassessment to be determined despite the death of the applicant as if the applicant had agreed to a reassessment.

Note 2: Sections 35 and 35A of the Act require institutions and funders of last resort specified in the determination to be given notice too.

- (3) The notice must state:
 - (a) the reasons for the reassessment decision; and
 - (b) the total amount of redress payable; and
 - (c) if the reassessment decision results in a redress payment amount which is more than the current determination, the difference between the amount in the current determination and the amount of the additional redress payment.

Part 8A—Notice relating to reassessment of determinations

35D Simplified outline of this Part

If a person agrees to undergo a reassessment of their application under the Act, the Operator is required to give written notice of that agreement to relevant participating institutions, partly-participating institutions and participating jurisdictions. However, this notice is not required where an institution has left the Scheme and is not listed under sections 164, 164A, 164B, 164C or 164D of the Act.

The Operator is required to give written notice of a reassessment decision if affirmed to each relevant participating institution, partly-participating institution and participating jurisdiction which were given written notice of the reassessee's agreement to undergo a reassessment under subsection 71B(4) of the Act. However,

the Operator is not required to provide notice where the institution has left the Scheme and is not listed under sections 164, 164A, 164B 164C or 164D of the Act.

35E Notices to institutions about reassessment of determination

- (1) This section is made for the purposes of subsection 71B(5) of the Act.
- (2) A notice for the purposes of subsection 71B(4) of the Act is not required in circumstances where an institution has ceased to be a participating or partly-participating institution and is not listed under sections 164, 164A, 164B, 164C or 164D of the Act.

35F Notice of decision to affirm current determination to participating jurisdictions and institutions

- (1) This section is made for the purposes of subsection 71F(4) of the Act.
- (2) A notice for the purposes of subsection 71F(2) of the Act is not required in circumstances where an institution has ceased to be a participating or partly-participating institution and is not listed under sections 164, 164A, 164B, 164C or 164D of the Act.

8 Section 38 Simplified outline of this Part

Repeal the simplified outline, substitute:

Under the Act, the giving of a security notice about a person causes withdrawal of an application by the person for redress, revocation of any determination made on the application and withdrawal of any offer of redress resulting from the application. The Operator must give notice of that effect to the person and to any institution notified of the determination or offer.

If, at the time a security notice comes into force in relation to a person, a reassessment of a determination on an application for redress has been agreed to but a decision has not been made, the person is taken to have revoked their agreement to have a reassessment of the determination.

If, at the time a security notice comes into force in relation to a person, a reassessment of a determination on an application for redress has been agreed to, a new offer of redress has been given but the offer has not been accepted, declined or withdrawn, the new offer is taken to be withdrawn, the reassessment decision is revoked and the person is taken to have revoked their agreement for a reassessment of the determination.

9 Section 39

Repeal the heading, and substitute:

39 Notices about the effect of subsections 71(1), (2), (2A) and (2B) of the Act

10 At the end of subsection 39(1)

Insert:

-
- (c) because of subsection 71(2A) of the Act a person is taken to have revoked their agreement to have the Operator reassess a determination under subsection 71C(1) of the Act;
 - (d) because of subsection 71(2B) of the Act:
 - (i) the new offer of redress given to the person is taken to be withdrawn; and
 - (ii) the reassessment decision made under section 71D is taken to have been revoked by the Operator; and
 - (iii) the person is taken to have revoked their agreement to have the Operator reassess the determination under subsection 71C(1).

11 At the end of section 39(2)

Omit “.”, substitute “;” and insert:

- (iii) by section 71E of the Act to give notice of the determination of a reassessment decision; or
- (iv) by section 71F of the Act to give notice of the reassessment decision.

12 Subsection 39(3)

Omit, and substitute:

- (3) Paragraph (2)(b) does not require the Operator to give notice to an institution if:
 - (a) because of the withdrawal of the application, section 23 of the Act (about notifying institutions requested to give information relevant to an application of the withdrawal of the application) requires notice to be given to the institution; or
 - (b) because of the revocation of the agreement to reassessment, section 71C of the Act requires notice to be given to the institution.

13 Paragraph 43(1)(b)

Omit “54”, substitute “54A”.

14 After section 54

Insert:

54A Aged care means testing—amounts excluded from a person’s total assessable income and assets

This section covers disclosure necessary for the purpose of working out whether an amount is excluded from the value of a person’s assets or total assessable income for aged care means testing for the purposes of the *Aged Care Act 1997* in accordance with the *Subsidy Principles 2014* and the *Aged Care (Transitional Provisions) Principles 2014*.

15 Section 54A

Renumber as section 54AA.