



National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018

I, Dan Tehan, Minister for Social Services, make the following declaration.

Dated 29 June 2018

Dan Tehan
Minister for Social Services

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Part 1—Preliminary

1 Name

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

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The later of: (a) the commencement of the <i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018</i> ; and (b) the start of the day after this instrument is registered.	1 July 2018 (paragraph (a) applies)

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

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*.

Section 4

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 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 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	Column 6
Kind of sexual abuse of the person	Recognition of sexual abuse	Recognition of impact of sexual abuse	Recognition of related non-sexual abuse	Recognition person was institutionally vulnerable	Recognition of extreme circumstances of sexual abuse
1 Penetrative abuse	\$70,000	\$20,000	\$5,000	\$5,000	\$50,000
2 Contact abuse	\$30,000	\$10,000	\$5,000	\$5,000	Nil
3 Exposure abuse	\$5,000	\$5,000	\$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:
- the amount in column 2 of the item of the table relevant to the sexual abuse of the person; and
 - if the person's application to the Operator for redress indicates that the sexual abuse of the person had an impact on the person's wellbeing—the amount in column 3 of that item; and
 - if there was non-sexual abuse of the person that was related to the sexual abuse—the amount in column 4 of that item; and
 - if the person was institutionally vulnerable—the amount in column 5 of that item; and
 - if the sexual abuse occurred in extreme circumstances—the amount (if any) in column 6 of the item.

Section 6

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