



# **National Redress Scheme for Institutional Child Sexual Abuse Amendment (2021 Measures No. 1) Rules 2021**

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I, Anne Ruston, Minister for Families and Social Services, make the following instrument.

Dated 8 July 2021

Anne Ruston  
Minister for Families and Social Services

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## 1 Name

This instrument is the *National Redress Scheme for Institutional Child Sexual Abuse Amendment (2021 Measures No. 1) Rules 2021*.

## 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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 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Each instrument that is specified in Schedule 1 to this instrument is amended or repealed as set out in the applicable items in Schedule 1, and any other item in Schedule 1 to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *National Redress Scheme for Institutional Child Sexual Abuse Rules 2018*

#### **1 Section 32 (after the paragraph beginning “A person’s redress”)**

Insert:

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.

#### **2 Subsection 33(2)**

Omit “A”, substitute “Subject to subsections (3) and (4), a”.

#### **3 At the end of section 33**

Add:

(4) Despite subsection (2), where subsection 48(1A) of the Act applies, a redress payment, or a counselling and psychological services payment, must be paid to an account that:

- (a) is held by the administrator with a financial institution; and
- (b) the administrator has nominated in writing to the Operator.

#### **4 Part 11A (heading)**

After “not State”, insert “or Territory”.

#### **5 Section 54A**

Repeal the simplified outline, substitute:

The Act defines when an institution is a State or Territory institution. Relevantly, an institution is not a State or Territory institution if the rules prescribe that it is not. Subsections 111(2) and 113(2) of the Act provide for the Minister to make rules to this effect. The institutions listed in Division 2 below are prescribed for the purposes of subsection 111(3) of the Act. As such, they are not State institutions under the Act. The institutions listed in Division 3 below are prescribed for the purposes of subsection 113(3) of the Act. As such, they are not Territory institutions under the Act.

#### **6 Section 54B, table item 1, column headed “Institutions that are not State institutions”, after paragraph (i)**

Add:

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- (j) Central Queensland University continued in existence by the *Central Queensland University Act 1998* (Qld);
- (k) Griffith University continued in existence by the *Griffith University Act 1998* (Qld);

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- (l) James Cook University continued in existence by the *James Cook University Act 1997* (Qld);
  - (m) Queensland University of Technology continued in existence by the *Queensland University of Technology Act 1998* (Qld);
  - (n) The University of Queensland continued in existence by the *University of Queensland Act 1998* (Qld);
  - (o) University of Southern Queensland continued in existence by the *University of Southern Queensland Act 1998* (Qld);
  - (p) University of the Sunshine Coast continued in existence by the *University of the Sunshine Coast Act 1998* (Qld)

## **7 Section 54B, table item 2, column headed “Institutions that are not State institutions”, after paragraph (d)**

Add:

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- (e) Charles Sturt University;
- (f) Macquarie University continued in existence by the *Macquarie University Act 1989* (NSW);
- (g) Southern Cross University;
- (h) University of New England continued in existence by the *University of New England Act 1993* (NSW);
- (i) University of New South Wales continued in existence by the *University of New South Wales Act 1989* (NSW);
- (j) University of Newcastle continued in existence by the *University of Newcastle 1989 Act* (NSW);
- (k) The University of Sydney continued in existence by the *University of Sydney Act 1989* (NSW);
- (l) University of Technology Sydney continued in existence by the *University of Technology Sydney Act 1989* (NSW);
- (m) University of Wollongong continued in existence by the *University of Wollongong Act 1989* (NSW);
- (n) Western Sydney University continued in existence by the *Western Sydney University Act 1997* (NSW)

## **8 Section 54B (table)**

After item 2, insert:

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3	<p>Victoria</p> <ul style="list-style-type: none"> <li>(a) Deakin University continued in existence by the <i>Deakin University Act 2009</i> (Vic);</li> <li>(b) Federation University Australia continued in existence by the <i>Federation University Australia Act 2010</i> (Vic);</li> <li>(c) La Trobe University continued in existence by the <i>La Trobe University Act 2009</i> (Vic);</li> <li>(d) Monash University continued in existence by the <i>Monash University Act 2009</i> (Vic);</li> <li>(e) Royal Melbourne Institute of Technology University continued in existence by the <i>Royal Melbourne Institute of Technology University Act 2010</i> (Vic);</li> <li>(f) Swinburne University of Technology continued in existence by the <i>Swinburne University of Technology Act 2010</i> (Vic);</li> <li>(g) The University of Melbourne continued in existence by the <i>University of Melbourne Act 2009</i> (Vic);</li> </ul>
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	(h) Victoria University continued in existence by the <i>Victoria University Act 2010</i> (Vic)
4	Western Australia (a) Curtin University continued in existence by the <i>Curtin University Act 1966</i> (WA); (b) Edith Cowan University continued in existence by the <i>Edith Cowan University Act 1984</i> (WA) as from 1 January 1979; (c) Murdoch University established by the <i>Murdoch University Act 1973</i> (WA); (d) The University of Western Australia established by the <i>University of Western Australia Act 1911</i> (WA)
5	South Australia (a) Flinders University; (b) The University of Adelaide continued in existence by the <i>University of Adelaide Act 1971</i> (SA); (c) University of South Australia
6	Tasmania (a) University of Tasmania continued in existence by the <i>University of Tasmania Act 1992</i> (Tas)

## 9 Section 54B, at the end of the section

Insert the following note:

Note: A number of the institutions listed in the table above were established by earlier legislation, but were continued in existence as the same legal entity by an Act referred to in the table. That legislation may also have changed the institution's name. In such cases, references to the institution include the institution as known by both its current and former names.

## 10 At the end of Part 11A

Add:

## Division 3—Institutions that are not Territory institutions

### 54C Institutions that are not Territory institutions

An institution specified in the following table is prescribed for the purposes of subsection 113(2) of the Act as an institution that is not a Territory institution.

Item	Institutions that are not Territory institutions
1	Australian Capital Territory (a) University of Canberra
2	Northern Territory (a) Batchelor Institute of Indigenous Tertiary Education continued in existence by the <i>Batchelor Institute of Indigenous Tertiary Education Act 1999</i> (NT); (b) Charles Darwin University continued in existence by the <i>Charles Darwin University Act 2003</i> (NT); (c) Menzies School of Health Research

## 11 Section 54C, at the end of the section

Insert the following note:

4	<i>National Redress Scheme for Institutional Child Sexual Abuse Amendment (2021 Measures No. 1) Rules 2021</i>
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Note: A number of the institutions listed in the table above were established by earlier legislation, but were continued in existence as the same legal entity by an Act referred to in the table. That legislation may also have changed the institution's name. In such cases, references to the institution include the institution as known by both its current and former names.

## 12 After Part 11A

Insert:

### **Part 11B – Institutions that are State or Territory institutions**

#### **Division 1 – Simplified outline of this Part 11B**

##### **54D Simplified outline of this part**

The Act defines when an institution is a State or a Territory institution. Relevantly, an institution is a State or a Territory institution if the rules prescribe that it is. Paragraphs 111(1)(c) and 113(1)(c) of the Act provides for the Minister to make rules to this effect. The institutions listed in Division 2 below are prescribed for the purposes of paragraphs 111(1)(c) and 113(1)(c) of the Act. As such, they are State or Territory institutions under the Act.

#### **Division 2 – Institutions that are State institutions**

##### **54E Institutions that are State institutions**

An institution specified in the following table is prescribed for the purposes of paragraph 111(1)(c) of the Act as an institution that is a State institution.

<b>Item</b>	<b>Institutions that are State institutions</b>
1	New South Wales (a) Police Citizens Youth Clubs NSW Ltd

## 13 Section 70

Omit:

This Part also sets out requirements for:

- (a) notice to the Operator of a person's conviction of certain offences or acceptance of certain offers of payment relating to abuse of the person; and
- (b) the content of annual reports by the Operator on the operation of the scheme.

substitute:

This Part also sets out:

- (a) requirements for notice to the Operator of a person's conviction of

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certain offences or acceptance of certain offers of payment relating to abuse of the person;  
(b) protected names and protected symbols; and  
(c) requirements for the content of annual reports by the Operator on the operation of the scheme.

## **14 After Division 3 of Part 14**

Insert:

### **Division 3A—Protected names and protected symbols**

#### **74A Protected symbols**

The following design is a protected symbol for paragraph (b) of the definition of *protected symbol* in subsection 185A(6) of the Act.

**National  
Redress Scheme**  
For people who have experienced  
institutional child sexual abuse