



National Redress Scheme for Institutional Child Sexual Abuse Amendment (Eligibility for Redress of Former Child Migrants) Rules 2023

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

Dated 20 November 2023

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 (Eligibility for Redress of Former Child Migrants) Rules 2023*.

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in Schedule 1 to this instrument is amended or repealed as set out in the applicable items in Schedule 1, and any other item in Schedule 1 to this instrument has effect according to its terms.

Schedule 1—Amendments

National Redress Scheme for Institutional Child Sexual Abuse Rules 2018

1 After Part 1

Add:

Part 1A—Persons eligible for redress

4A Simplified outline of this part

Subsection 13(1) of the Act defines when a person is eligible for redress under the scheme. A person is also eligible for redress under the scheme if the Act or the rules prescribe that the person is eligible for it. This part prescribes that certain child migrants from the United Kingdom and Malta are eligible for redress.

4B Eligibility of certain child migrants from the United Kingdom and Malta

- (1) For the purposes of subsection 13(2) of the Act, a person is also eligible for redress under the scheme if:
 - (a) the person was sexually abused; and
 - (b) the sexual abuse is within the scope of the scheme; and
 - (c) the sexual abuse is of a kind for which the maximum amount of redress payment that could be payable to the person (as worked out under the assessment framework) would be more than nil; and
 - (d) one or more of the following are responsible for the abuse:
 - (i) a participating institution;
 - (ii) an institution that is listed for a participating jurisdiction under section 164A, 164B or 164C of the Act (if a participating jurisdiction is an eligible funding jurisdiction for the institution in relation to the abuse); and
 - (e) subsection (2) applies to the person.
- (2) This subsection applies to a person if:
 - (a) the person arrived in Australia before 1984 as a child who was sent from the United Kingdom or Malta by an institution and, when the person arrived in Australia, there were not any other members of the person's family in Australia except one or more children; and
 - (b) either:
 - (i) the person was sent to Australia under a scheme carried out under the *Empire Settlement Act 1922* (United Kingdom); or
 - (ii) the person became a ward under the *National Security (Overseas Children) Regulations* or the *Immigration (Guardianship of Children) Act 1946*; and
 - (c) the person became a ward of a participating State or participating Territory; and
 - (d) the abuse occurred while the person was a ward of the State or Territory.

Note 1: Section 14 of the Act defines when the abuse of a person is within the scope of the scheme.

Note 2: Section 15 of the Act defines when an institution is responsible for abuse.