

National Redress Scheme

For people who have experienced institutional child sexual abuse

INFORMATION SHEET

CONSIDERATIONS FOR CLUBS, REGIONAL ASSOCIATIONS AND STATE SPORTING ORGANISATIONS

The National Redress Scheme for people who have experienced institutional child sexual abuse (the Scheme) has been created in response to recommendations by the Royal Commission into Institutional Responses to Child Sexual Abuse. The Scheme provides eligible people with access to the following three things:

- counselling
- a redress payment, and
- a direct personal response from an institution.

If a person receives an offer of redress they can accept any or all of these things. It is their choice.

Under the Scheme, an institution is considered responsible for child sexual abuse if it was responsible for bringing the child into contact with the person who abused them. Redress is only possible when at least one institution is participating in the Scheme and is considered responsible. Independent Decision Makers will determine responsibility after reviewing the application and a response to that application from the participating institutions.

What is an institution?

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*, an institution is any body, entity, group of persons or organisation (whether or not incorporated), but does not include a family or an individual.

A sports club, whether incorporated or not, fits the definition of an institution under the legislation. A sports club can be the institution named in an application.

A regional association or State/Territory Member Association (MA) and the National Sporting Organisation (NSO) are also all institutions and can be named in applications.

An institution can still participate in the Scheme if it is defunct. A club that is no longer in existence could participate in the Scheme as a defunct institution and can be found responsible for abuse. A defunct institution must have a representative in order to participate in the Scheme. The representative will be required to fulfil all obligations for the defunct institution, including funding liabilities and providing a direct personal response.

Why have I been contacted, what does “named in an application” mean”?

The Scheme will seek to contact all institutions named in an application, to encourage them to join the Scheme so that the application can progress to decision-making.

This first contact does not mean that it is the same institution you represent that is named in an application. After initial discussion it may be clear the abuse occurred many years prior to the current club being established. Even if it seems possible it is the current club this does not mean the institution will automatically be found responsible. The Independent Decision Maker will not begin the process of assessing an application until the actual named institution has joined the Scheme. Applications must meet all eligibility requirements and meet the test of reasonable likelihood. The Scheme seeks appropriate relevant information from the institution to verify the application.

An NSO or MA will not be found responsible for abuse that happened at a club unless they are primarily responsible for the abuse that occurred, or equally responsible with the club for the abuse that occurred.

Protected Information

Under the Protected Information legislation in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* information about an application naming a club cannot be shared with any other institution. The Scheme is unable to share protected information about a club with an MA or NSO unless the club gives permission.

Joining Structures

Any institution can join the Scheme as a lone institution. Two or more institutions can choose to join together in a group.

If the lone institution is unincorporated it must have a representative. A group must also appoint a representative. A representative is usually an institution, and can be a member of the group, or not. For example:

- An unincorporated club could join the Scheme as a lone institution with the MA as the Representative.
- An MA could form a group with some clubs in the State.
- An NSO could form a group with all MAs and any clubs named in applications. The clubs could be no longer in existence (defunct) and/or be currently active clubs.

Some points to consider

- Many applications are for abuse that occurred decades ago, in the 1990s or earlier, and applications for abuse in the 1950s have been received.
- Most applications of abuse that occurred in sporting activities received to date name a club.
- Institutions have to demonstrate their capacity to pay the costs associated with participation in the Scheme. If the Scheme determines an institution cannot meet their estimated liabilities then it cannot join the Scheme. If an institution is joining as part of a group the financial circumstances of the representative organisation are also reviewed to determine the capacity to pay for all members of the group.
- The majority of applications received name 2 or more institutions. Costs are shared when two or more participating institutions are found responsible.
- The Scheme provides general information teleconferences about the Scheme, and detailed training on operational aspects of the Scheme, such as how institutions respond to Requests For Information (about applications naming them), how payment amounts are determined by the Independent Decision Maker and delivering a Direct Personal Response. Further Information about these teleconferences and the Scheme is available by emailing redressinstitutions@dss.gov.au.
- Institutions joining the Scheme will be asked to provide key contact officers and establish appropriate internal processes including to manage any potential conflicts of interest.