FACT SHEET

Redress Scheme

What Was The Redress Scheme?
The Redress Scheme was introduced by the State of Queensland during 2007 to provide a payment to persons who have experienced abuse and neglect as children in some institutions in Queensland. The scheme was administered by the Department of Communities (Redress Services) (hereafter the Department).

The institutions included many, but not all, orphanages, family group homes, industrial schools and/or detention centres in Queensland (hereafter referred to as institutions).

Applicants that were successful were entitled to a Level 1 payment of $7,000. Some, but not all, applicants who received a Level 1 payment were also eligible to receive a Level 2 payment of up to $33,000. The decision whether an applicant was eligible for a Level 1 payment and/or a Level 2 payment was decided by a panel of experts recruited by the Department.

Who Was Eligible To Apply For A Payment?
All former residents of the institutions who were released from care and turned 18 on or before 31 December 1999 were eligible for the scheme. It was necessary to show that you were a resident of the institution and that you experienced institutional abuse or neglect whilst in the care, protection or detention of such an institution.

When Did You Have To Apply For A Payment?
Applications for both Level 1 and Level 2 payments under the scheme needed to be made by 30 June 2008. The deadline for applications was then extended until 30 September 2008. No new applications were accepted after this date.

After 30 September 2008 the Department wrote to all applicants for Level 2 payments (where applications had already been made) and gave those applicants until 28 February 2009 to provide further evidence to support their claim. No further information was accepted after 28 February 2009 and no further extensions were made.

What Happened Next?
All applications were finalised and applicants were paid their Level 1 (and Level 2 if applicable) payments during 2010. There were some isolated cases that were paid in early 2011. Some applications were rejected.

An important element of the payments made was that applicants were required to sign a Deed of Release prior to any payments being made. This means that any applicant who signed the Deed of Release is no longer able to take legal action against the State of Queensland for any injuries they may have suffered while in an institution that was covered by the Redress Scheme.
Can I Still Apply?

After 30 September 2008 no further applications were, or will be, accepted.

Potential Test Case

After all applications had been finalized the Aboriginal & Torres Strait Islander Legal Service (Qld) Ltd (hereafter ATSILS) prepared a possible application for Judicial Review (pursuant to the Judicial Review Act (1991) Qld) of a decision, of the Department, to refuse a payment to a Redress Scheme applicant. ATSILS reviewed the circumstances of approximately 90 applicants.

A potential test case was selected and involved a person who received a Level 1 payment but was refused a Level 2 payment.

A review of the relevant documentation and an analysis of the applicable law indicated that on the available evidence the potential test case was unlikely to be successful and a decision was made that the application should not proceed.

The Future

In these circumstances, subject to the following paragraphs, it is certain that no application for Judicial Review, such as the one referred to above, will be made by ATSILS.

Unless a new and previously unknown test case comes to light, with real merit and/or prospects of success, or a future Government of the State of Queensland, revisiting the issue of the payment of compensation to the former residents of institutions in Queensland, it is unlikely that ATSILS (or anybody else) will be able to assist any further in relation to the Redress Scheme.

You are of course free to seek further independent legal advice as to the prospects of success of any appeal relating to your own particular set of circumstances.

Potential Personal Injuries Actions

All former residents of institutions, that have not applied for a payment under the Redress Scheme, may have the option of a legal action for any personal injury they may have suffered while in that institution. This would also include persons who applied for the Redress Scheme but were unsuccessful.

There are many issues that need to be canvassed in considering a personal injury action against the State of Queensland and any potential claimants need to consult their own legal advisors about these issues including, amongst other things, the possibility of an action and the prospects of success of that action.

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This Fact Sheet was last updated August 2012.