

This fact sheet provides information for survivors of institutional child sexual abuse to help understand the differences between making a civil claim and applying to the National Redress Scheme.

Civil claim

What is it?

A civil claim against an institution is a compensation claim filed in court for physical or psychiatric injury developed as a result of a person or an institution's failure to care and protect you from childhood sexual abuse.

A civil claim can also be made against the perpetrator if they are still alive.

There is no time limit for making a civil claim for childhood sexual abuse.

How much can I receive?

There is no cap on compensation payments for civil claims. Compensation will be based on the severity of the injury and the impact it has had on your life.

How much will it cost me?

Civil claims can be complex and a civil lawyer can advise you about the likely cost, and if they charge you an hourly rate for their work. This will be outlined in a costs agreement. Some lawyers will do this on a 'no-win, no-fee' basis. **TasVOCAL** can give you a list of civil lawyers for you to consider.

What is a 'costs agreement'?

A costs agreement outlines the terms of payment to a civil lawyer and will outline if any money needs to be paid up-front. Lawyer fees, other costs, and deductions may need to be paid out of any final compensation funds. If this is the case the civil lawyer should provide regular updates on their fees.

Will I have to go to court?

Many institutions are open to negotiating an agreement out of court. However, if negotiations are unsuccessful, you can discuss with your civil lawyer about going to court and the risk of further legal costs, especially if the court case is unsuccessful.

How long will a civil claim take?

It can take anywhere between 12–24 months to negotiate an agreement to settle a claim outside of court. It will take more time if the matter is taken to court. Your civil lawyer will give you an idea of time.

National Redress Scheme (NRS)

What is it?

The NRS provides survivors with compensation and redress in recognition of institutional childhood sexual abuse experienced prior to 1 July 2018. Applications are open until 30 June 2027.

What can I receive?

- A payment of up to \$150,000 depending on the circumstances. This will be assessed by the NRS and most people do not receive the maximum amount.
- Counselling and psychological support.
- A personal response or apology from the institution that was responsible for the abuse.

How much will it cost me?

It does not cost anything to apply to the NRS. You can complete the application yourself or seek assistance in completing the application.

When preparing an application, we recommend seeking free assistance from a Redress Support Service and free legal advice from **TasVOCAL**.

Will I have to go to court?

No, a decision will be made on your application. However, the NRS may ask you for further information.

How long will it take?

Approximately 6–12 months and sometimes longer depending on:

- any serious criminal convictions
- whether the institution(s) have joined the NRS.

Accepting an offer

Accepting an offer from the NRS involves giving up your right to proceed with a civil claim against the responsible institution(s). You should seek legal advice **before** accepting an offer and contact us.

How TasVOCAL can help

TasVOCAL can provide free advice about NRS applications and decisions.

TasVOCAL can provide free advice and referrals about your other legal options.

How to contact TasVOCAL

- Visit: www.legalaid.tas.gov.au
- Free call: **1300 366 611** ask for **TasVOCAL**
- Email: TasVOCAL@legalaid.tas.gov.au

Disclaimer

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Need legal help?

Freecall, chat online or visit us
Monday to Friday, 9am - 5pm



1300 366 611 Ask for **TasVOCAL**



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