

Applicants who are currently in prison or who have been sentenced to serve 5 years or more in prison

The [National Redress Scheme website](#) gives information about who can apply to the Scheme.

The National Redress Scheme includes specific provisions about an application from a person who is currently in prison or has, either before or after they make their redress application, been sentenced to serve 5 years or more in prison.

Process where an applicant for redress has been sentenced to 5 years or more in prison

The process where a person who applies for redress has been sentenced to 5 years or more in prison, whether this happens before or after the person applies for redress, is set out in section 63 of the National Redress Scheme legislation¹.

Where an applicant for redress has had a sentence imposed to serve 5 years or more in prison and

- the crime the person was sentenced for occurred in the ACT, or
- the abuse to which the person's redress application relates occurred in the ACT,

the Redress Scheme Operator must ask the ACT Attorney-General for advice about whether the application for redress should continue. If the ACT Attorney-General is asked for advice, the Attorney-General will advise the Redress Scheme Operator that the application process should continue.

The advice given by the ACT Attorney-General is one of the things the Redress Scheme Operator will take into account in deciding whether the redress application can continue.

Process where an applicant for redress is currently in prison in the ACT

Where a person who applies for redress is currently in prison, the application can only be made, if the Redress Scheme Operator decides that there are exceptional circumstances to justify the application being made.²

To help decide if there are exceptional circumstances, if the person applying for redress is currently in prison in the ACT, the Redress Scheme Operator will sometimes have to ask the ACT Attorney-General for advice about whether the Redress Scheme Operator should decide that there are exceptional circumstances that justify allowing the application to be made. If the ACT Attorney-General is asked for advice, the Attorney-General will advise the Redress Scheme Operator that the application should be allowed to be made.

ACT Government position on applicants in prison or who have been sentenced to 5 or more years in prison

The ACT Government believes that all survivors of abuse in institutions should be able to apply to the Redress Scheme.

The ACT has obligations under the *Human Rights Act 2004*. The ACT Attorney-General will respond to all requests for advice about applications for redress from people with a criminal conviction or people who are currently in prison in the same way. The Attorney-General will advise the Redress Scheme Operator that a person being in prison or having received a sentence of 5 years or more in

¹ *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), section 63

² *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), section 20

prison should not prevent them from making a redress application or receiving a payment if they are eligible.

Where to get more information

You can get help from support services before, during and after you apply for redress. Services can provide practical and emotional support, legal advice, and financial counselling. The support services for the ACT can be found at: <https://www.nationalredress.gov.au/support/explore>