

Fact sheet Redress Scheme – Provision of Legal Advice

1. Background:

On 31 May 2007, the Queensland Government announced the establishment of a Redress Scheme to provide ex-gratia payments to people who experienced abuse or neglect as children in Queensland institutions. The scheme completes the government's response to recommendation 39 of the *Forde Inquiry into Abuse of Children in Queensland Institutions*. The scheme is being administered by Redress Services, Smart Service Queensland, Department of Communities.

Under the conditions of the scheme, up to \$100 million is available for payments, practical assistance with completing applications, and access to legal and financial services for eligible applicants.

Eligible persons who wish to accept an offer of payment (Level 1 payment of \$7,000 and/or a Level 2 payment of up to \$33,000) are required to sign a Deed of Release which releases and indemnifies the State from any current or future claims that come within the scope of the scheme. The Deed of Release must be signed under advisement from an independent legal practitioner.

Applications to the scheme opened on 1 October 2007 and close on 30 June 2008. The process for making Level 1 payment offers is expected to commence in late November 2007 and be completed as soon as practicable after the closing date for applications on 30 June 2008. Level 2 payment offers will be finalised after all applications have been received (after 30 June 2008). These payments will be made from within the \$100 million allocation for the scheme and be apportioned by a Panel of Experts in accordance with the level of harm suffered by the applicant.

It is anticipated that up to 6,000 applications will be received under the scheme from around Queensland, as well as some from Interstate and overseas.

2. Legal Services

Legal advice is to be provided by a legal practitioner on an individual basis.

It is anticipated that there will be a small number of applicants who reside interstate or overseas who may seek to engage the services of a Queensland legal practitioner for the purpose of signing the Deed of Release.

At the time an offer is made, eligible applicants will be provided with the necessary documentation required by the legal practitioner to provide legal advice. This documentation will include the Deed of Release, document checklist, payment instructions and a copy of the original application form used to determine a person's eligibility for a payment.

The provision of legal advice to each eligible applicant will ensure that he/she:

- a) Understands his or her current rights.
- b) Understands the conditions of the offer of payment and in particular the Deed of Release.
- c) Completes and executes the Deed of Release correctly where the applicant decides to accept the payment offer.

3. Conditions of payment

Payment of up to \$550 (inclusive of GST) will be made to a legal practitioner on:

- a) receipt of the original signed Deed of Release, or written advice that the applicant has declined the offer signed by the applicant and legal practitioner; and
- b) receipt of the applicant's document checklist and payment instructions; and
- c) receipt of a correctly rendered tax invoice for an amount not in excess of \$550 (inclusive of GST).

Invoices should clearly identify the name of the applicant for whom a service was provided and the name of the practitioner who provided the service. If a legal practitioner has provided individual services to a number of applicants (eg within a correctional facility or within a specific community) a combined invoice can be furnished clearly detailing each applicant.

Invoices and accompanying documents as described in a) and b) should be mailed to:

Redress Services
Department of Communities
GPO Box 806
BRISBANE QLD 4001

4. Further information

Detailed information about the scheme is available from the Department of Communities' website at <http://www.communities.qld.gov.au/>

Legal practitioners seeking advice in relation to specific matters associated with an applicant's Deed of Release may contact the Redress Scheme Information Line on 1300 769 291.