

## Appendix 3

### Payment and Assessment Matrices

#### 3.1. RIRB's Matrix for Assessing Severity

Available Points	Abuse in Care	Consequential Damage		
		Medically verified physical/psychiatric illness	Psycho-social damage*	Loss of Opportunity
	1–25	1–30	1–30	1–15

\* Examples of injurious psycho-social damage included problems with family attachment, cognitive impairment, and substance abuse.

Source: Adapted from (The Compensation Advisory Committee 2002)

#### 3.2. The RIRB's Payment Matrix and Outcomes

Redress Bands	Points	Award Payable	Number of Payments	Percent of Total
<b>V</b>	>70	€200–300 000	48	0.30%
<b>IV</b>	55 to 69	€150–200 000	280	1.8%
<b>III</b>	40 to 54	€100–150 000	2073	13.31%
<b>II</b>	25 to 39	€50–100 000	7523	48.28%
<b>I</b>	< 25	Up to €50 000	5655	36.30%
<b>Total</b>			<b>15,579</b>	

Source: (McCarthy 2016: 26)

### 3.3. Magdalene Redress Payment Matrix

Years spent in residence	Residence	Labour	Total
(up to 3 months)	€ 10,000	€ 1,500	€ 11,500
1	€ 14,500	€ 6,000	€ 20,500
2	€ 20,500	€ 12,000	€ 32,500
3	€ 26,500	€ 18,000	€ 44,500
4	€ 32,500	€ 24,000	€ 56,500
5	€ 38,500	€ 30,000	€ 68,500
6	€ 40,000	€ 36,000	€ 76,000
7	€ 40,000	€ 42,000	€ 82,000
8	€ 40,000	€ 48,000	€ 88,000
9	€ 40,000	€ 54,000	€ 94,000
10	€ 40,000	€ 60,000	€ 100,000
10+ years	€ 40,000	€ 60,000	€ 100,000

Source: Adapted from (Quirke 2013: 43) (Payments calculated per month of residence).

## 3.4. Queensland Redress Assessment Matrix

Type of harm	Weighting	% Range
Physical injury (including harm from Sexual Abuse and/or Neglect) – During Placement	0–20	Low 0–6%
		Medium 7–15%
		High 16–20%
Physical injury (including harm from Sexual Abuse and/or Neglect) – Post Placement	0–5	Low 0–1%
		Medium 2–3%
		High 4–5%
Physical illness – During Placement	0–5	Low 0–1%
		Medium 2–3%
		High 4–5%
Physical illness – Post Placement	0–5	Low 0–1%
		Medium 2–3%
		High 4–5%
Psychological injury/ Psychiatric illness (including harm from Sexual Abuse, Systems Abuse and/or Neglect) – During Placement	0–34	Low 0–10%
		Medium 11–28%
		High 29–34%
Psychological injury/ Psychiatric illness (including harm from Sexual Abuse, Systems Abuse and/or Neglect) – Post Placement	0–16	Low 0–4%
		Medium 5–12%
		High 13–16%
Loss of opportunity	0–15	Low 0–4%
		Medium 5–12%
		High 13–15%
Total		0–100%

Source: (Royal Commission into Institutional Responses to Child Sexual Abuse 2015: 550-51)

### 3.5. Queensland Redress Payment Matrix

Level	Severity	Points	\$AUD Value*
1	N/A	0–14	\$7000
2	No payment	0–14	\$0
	Very Serious	15–24	\$6000
	Severe	25–39	\$14,000
	Extreme	40–59	\$22,000
	Very Extreme	60–100	\$33,000

*Source:* (Adapted from Royal Commission into Institutional Responses to Child Sexual Abuse 2015: 118 & 551)



(cont.)

**3. Consequential Harm - Extent of Injury, Loss or Harm Resulting from Abuse and/or Neglect**

Scale for this section: Moderate =1 Serious= 2 Severe= 3-4 Very Severe= 5

- a) Physical Harm (consider care period and ongoing consequences)
- b) Psychological/Psychiatric Harm (consider care period and ongoing consequences)
- c) Social Harm- Behavioural/psychosocial (consider care period and ongoing consequences)
- d) Sexual Impact (sexual dysfunction, negative body image, anxiety about sex etc)

Subtotal	0	0	0
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**4. Aggravating Factors (combined with acts of abuse and/or neglect that occurred during care)**

To be determined by applicants statements and/or assessment of the case

Scale for this section: Moderate level or short time in care = .05 Very severe level and longer time in care = 2

- a) Verbal Abuse
- b) Racist Acts
- c) Threats/Intimidation (ie direct threats)
- d) Intimidation/Inability to complain; oppression (ie indirect threats)
- e) Humiliation; degradation
- f) Sexual abuse accompanied by violence
- g) Abuse of particularly vulnerable child (eg age <6; disability; language; absence of parent)
- h) Failure to provide care of emotional support following abuse requiring such care
- i) Witnessing another child being subject to abuse
- j) Use of religious doctrine, paraphernalia or authority during, or in order to, facilitate the abuse

Subtotal	0	0	0
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Total	0	0	0
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Level

0	0	0
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Comments

Certified:

Date: / / 2010

Approved:

Date: / / 2010

Source: (Government of Western Australia 2010: 47)

## 3.7. Redress WA Severity Standards

Descriptions	
<ul style="list-style-type: none"> <li>– Excessive harsh discipline and emotional or physical abuse of an ongoing or sustained nature inconsistent with care standards of time with identified severe psycho-social or medical impacts</li> <li>– Loss of family contact/identity</li> <li>– Multiple placements resulting in isolation and depersonalisation over a sustained period of time</li> <li>– Denial of rights including educational opportunities over a sustained period with long term social impacts leading to loss of opportunity</li> <li>– Sexual abuse of a sustained or severe nature (ongoing incidents) resulting in severe psychological trauma and/or social impacts</li> <li>– Possible need for counselling or other assistance on a long term basis</li> <li>– In care for 10++ years</li> </ul>	Extreme
<ul style="list-style-type: none"> <li>– Excessive harsh discipline and emotional or physical abuse of an ongoing or sustained nature inconsistent with care standards of time</li> <li>– Loss of family contact-identity</li> <li>– Multiple placements resulting in isolation and depersonalisation over a sustained period of time</li> <li>– Denial of rights including educational opportunities over a sustained period</li> <li>– Sexual abuse of a sustained or severe nature (single or ongoing incidents by a caregiver or someone authorised to supervise the child) resulting in severe psychological trauma and/or social impacts.</li> <li>– Counselling or other assistance likely to be required on an ongoing basis</li> <li>– In care 10+ years</li> </ul>	

(cont.)

Descriptions	
<ul style="list-style-type: none"> <li>- Excessive harsh discipline and emotional or physical abuse of an ongoing or sustained nature inconsistent with care standards of time</li> <li>- Loss of family contact</li> <li>- Multiple placements resulting in isolation and depersonalisation over a sustained period of time</li> <li>- Denial of rights including educational opportunities over a sustained period</li> <li>- Sexual abuse of a sustained or severe nature or over a long period of time by a caregiver or someone authorised to supervise the child resulting in long term psychological harm</li> <li>- In care 8–10 years</li> </ul>	Severe
<ul style="list-style-type: none"> <li>- Excessive harsh discipline and emotional or physical abuse of an ongoing or sustained nature inconsistent with care standards of time</li> <li>- Loss of family contact</li> <li>- Multiple placements resulting in isolation and depersonalisation over a sustained period of time</li> <li>- Denial of rights including educational opportunities over a sustained period</li> <li>- Sexual abuse advances which destroyed trust and innocence over a sustained period by a caregiver or someone authorised to supervise the child</li> <li>- In care 6–8 years</li> </ul>	
<ul style="list-style-type: none"> <li>- Excessive harsh discipline and emotional or physical abuse of an ongoing or sustained nature inconsistent with care standards of time</li> <li>- Loss of family contact resulting in ongoing psychological or social harm</li> <li>- Denial of rights including educational opportunities</li> <li>- Sexual advances of a mild or limited nature by a caregiver or someone authorised to supervise</li> <li>- In care 5–6 years</li> </ul>	

(cont.)

Descriptions	
<ul style="list-style-type: none"> <li>- Excessive harsh discipline and physical abuse of an ongoing or sustained nature inconsistent with care standards of time</li> <li>- Denial of rights including, for example, loss of educational opportunities</li> <li>- Loss of family contact or identity for a sustained period of time</li> <li>- Moderate long term psychological, social or medical impacts</li> <li>- Sexual advances or abuse of a severe or ongoing nature by someone other than caregiver or person in authority</li> <li>- In care 4–5 years</li> <li>- Excessive and harsh discipline of a severe and ongoing nature inconsistent with care standard of [sic]</li> <li>- Denial of rights including, for example, loss of educational opportunities</li> <li>- Loss of family contact</li> <li>- Mild psychological or social impacts of an ongoing nature</li> <li>- Sexual advances or abuse of a limited or mild nature by someone other than caregiver or person in authority</li> <li>- In care 3–4 years</li> </ul>	Serious
<ul style="list-style-type: none"> <li>- Excessive discipline/moderate physical abuse of an ongoing nature (multiple incidents/ongoing) inconsistent with care standards of time</li> <li>- Loss of family contact</li> <li>- Mild loss of rights, including educational opportunities</li> <li>- No allegations of sexual abuse</li> <li>- In care up to 3 years</li> </ul>	Moderate
<ul style="list-style-type: none"> <li>- Harsh discipline/moderate physical abuse inconsistent with care standards of time</li> <li>- Short period</li> <li>- Minimal ongoing psycho-social impacts</li> <li>- No allegations of sexual abuse</li> <li>- In care up to 2 years</li> </ul>	
<ul style="list-style-type: none"> <li>- Harsh discipline/mild physical abuse inconsistent with care standards of time</li> <li>- Limited period of placement</li> <li>- Minimal ongoing impacts</li> <li>- No allegations of sexual abuse</li> <li>- In care up to 12 months.</li> </ul>	

Source (Government of Western Australia 2010: 65)

## 3.8. IAP Abuse and Harm

	Acts Proven	Compensation Points
<b>SL5</b>	<ul style="list-style-type: none"> <li>• Repeated, persistent incidents of anal or vaginal intercourse.</li> <li>• Repeated, persistent incidents of anal/vaginal penetration with an object.</li> </ul>	45–60
<b>SL4</b>	<ul style="list-style-type: none"> <li>• One or more incidents of anal or vaginal intercourse.</li> <li>• Repeated, persistent incidents of oral intercourse.</li> <li>• One or more incidents of anal/vaginal penetration with an object.</li> </ul>	36–44
<b>SL3</b>	<ul style="list-style-type: none"> <li>• One or more incidents of oral intercourse.</li> <li>• One or more incidents of digital anal/vaginal penetration.</li> <li>• One or more incidents of attempted anal/vaginal penetration (excluding attempted digital penetration).</li> <li>• Repeated, persistent incidents of masturbation.</li> </ul>	26–35
<b>PL</b>	<ul style="list-style-type: none"> <li>• One or more physical assaults causing a physical injury that led to or should have led to hospitalization or serious medical treatment by a physician; permanent or demonstrated long-term physical injury, impairment or disfigurement; loss of consciousness; broken bones; or a serious but temporary incapacitation such that bed rest or infirmary care of several days duration was required. Examples include severe beating, whipping, and second-degree burning.</li> </ul>	11–25
<b>SL2</b>	<ul style="list-style-type: none"> <li>• One or more incidents of simulated intercourse.</li> <li>• One or more incidents of masturbation.</li> <li>• Repeated, persistent fondling under clothing.</li> </ul>	11–25

*(cont.)*

	Acts Proven	Compensation Points
<b>SL1</b>	<ul style="list-style-type: none"> <li>• One or more incidents of fondling or kissing.</li> <li>• Nude photographs taken of the Claimant.</li> <li>• The act of an adult employee or other adult lawfully on the premises exposing themselves.</li> <li>• Any touching of a student, including touching with an object, by an adult employee or other adult lawfully on the premises which exceeds recognized parental contact and violates the sexual integrity of the student.</li> </ul>	5–10
<b>OWA</b>	<ul style="list-style-type: none"> <li>• Being singled out for physical abuse by an adult employee or other adult lawfully on the premises which was grossly excessive in duration and frequency and which caused psychological consequential harms at the H3 level or higher.</li> <li>• Any other wrongful act committed by an adult employee or other adult lawfully on the premises which is proven to have caused psychological consequential harms at the H4 or H5 level.</li> </ul>	5–25

Source: (Canada et al. 2006: Schedule D)

## 3.9. IAP Consequential Harms

Level of Harm	Consequential Harm	Points
<b>H5</b>	<p>Continued harm resulting in serious dysfunction.</p> <p><u>Evidenced by:</u> psychotic disorganization, loss of ego boundaries, personality disorders, pregnancy resulting from a defined sexual assault or the forced termination of such pregnancy or being required to place for adoption a child resulting therefrom, self-injury, suicidal tendencies, inability to form or maintain personal relationships, chronic post-traumatic state, sexual dysfunction, or eating disorders.</p>	<b>20–25</b>
<b>H4</b>	<p>Harm resulting in some dysfunction.</p> <p><u>Evidenced by:</u> frequent difficulties with interpersonal relationships, development of obsessive-compulsive and panic states, severe anxiety, occasional suicidal tendencies, permanent significantly disabling physical injury, overwhelming guilt, self-blame, lack of trust in others, severe post-traumatic stress disorder, some sexual dysfunction, or eating disorders.</p>	<b>16–19</b>
<b>H3</b>	<p>Continued detrimental impact.</p> <p><u>Evidenced by:</u> difficulties with interpersonal relationships, occasional obsessive-compulsive and panic states, some post-traumatic stress disorder, occasional sexual dysfunction, addiction to drugs, alcohol or substances, a long term significantly disabling physical injury resulting from a defined sexual assault, or lasting and significant anxiety, guilt, self-blame, lack of trust in others, nightmares, bed-wetting, aggression, hyper-vigilance, anger, retaliatory rage and possibly self-inflicted injury.</p>	<b>11–15</b>

(cont.)

Level of Harm	Consequential Harm	Points
<b>H2</b>	<p>Some detrimental impact.</p> <p><u>Evidenced by:</u> occasional difficulty with personal relationships, some mild post-traumatic stress disorder, self-blame, lack of trust in others, and low self-esteem; and/or several occasions and several symptoms of: anxiety, guilt, nightmares, bed-wetting, aggression, panic states, hyper-vigilance, retaliatory rage, depression, humiliation, loss of self-esteem.</p>	<b>6–10</b>
<b>H1</b>	<p>Modest Detrimental Impact.</p> <p><u>Evidenced by:</u> occasional short-term, one of: anxiety, nightmares, bed-wetting, aggression, panic states, hyper-vigilance, retaliatory rage, depression, humiliation, loss of self-esteem.</p>	<b>1–5</b>

Source: (Canada et al. 2006: Schedule D)

### 3.10. IAP Aggravating Factors

<b>Add 5–15% of points for Act and Harm combined</b>
<b>Verbal abuse</b>
<b>Racist acts</b>
<b>Threats</b>
<b>Intimidation/inability to complain; oppression</b>
<b>Humiliation; degradation</b>
<b>Sexual abuse accompanied by violence</b>
<b>Age of the victim or abuse of a particularly vulnerable child</b>
<b>Failure to provide care or emotional support following abuse requiring such care</b>
<b>Witnessing another student being subjected to an act set out on page 3</b>
<b>Use of religious doctrine, paraphernalia or authority during, or in order to facilitate, the abuse</b>
<b>Being abused by an adult who had built a particular relationship of trust and caring with the victim (betrayal)</b>

Source: (Canada et al. 2006: Schedule D)

### 3.11. IAP Future Care

<b>Future Care</b>	<b>Additional Compensation</b>
<b>General – medical treatment, counselling</b>	up to \$10,000
<b>If psychiatric treatment required, cumulative total</b>	up to \$15,000

Source: (Canada et al. 2006: Schedule D)

### 3.12. IAP Consequential Loss of Opportunity

Consequential Loss of Opportunity		Points
OL5	Chronic inability to obtain employment	21–25
OL4	Chronic inability to retain employment	16–20
OL3	Periodic inability to obtain or retain employment	11–15
OL2	Inability to undertake/complete education or training resulting in underemployment, and/or unemployment	6–10
OL1	Diminished work capacity – physical strength, attention span	1–5

Source: (Canada et al. 2006: Schedule D)

### 3.13. IAP Points to Payment Conversion

Compensation Points	Compensation (\$)
<b>1–10</b>	\$5,000–\$10,000
<b>11–20</b>	\$11,000–\$20,000
<b>21–30</b>	\$21,000–\$35,000
<b>31–40</b>	\$36,000–\$50,000
<b>41–50</b>	\$51,000–\$65,000
<b>51–60</b>	\$66,000–\$85,000
<b>61–70</b>	\$86,000–\$105,000
<b>71–80</b>	\$106,000–\$125,000
<b>81–90</b>	\$126,000–\$150,000
<b>91–100</b>	\$151,000–\$180,000
<b>101–110</b>	\$181,000–\$210,000
<b>111–120</b>	\$211,000–\$245,000
<b>121 or more</b>	Up to \$275,000

Source: (Independent Assessment Process Oversight Committee 2021: 95)

## 3.14. New Zealand's HCP Assessment Matrix (Fast Track Process)

<p><b>Category 1</b> NZD\$50,000</p>	<p><b>Prolonged and Serious Abuse</b> The claimant has suffered:</p> <ul style="list-style-type: none"> <li>• Serious physical abuse perpetrated by a staff member or caregiver; and/or</li> <li>• Serious sexual abuse perpetrated by a staff member or caregiver; <b>and</b></li> </ul> <p>that abuse has been repeated and sustained over a significant period of time. The abuse may have occurred in one placement or multiple placements.</p> <p><b>It is expected that most claimants in this category will have suffered <u>both</u> serious physical and serious sexual abuse.</b></p> <p>This category also includes claimants who have suffered serious abuse <b>and</b> have also been subject to significant periods of false imprisonment.</p> <p><b>Definitions:</b> <i>Serous physical abuse</i> in this category may be defined as closed fist punching; the use of implements and kicking/stomping that results in broken bones or other trauma and would ordinarily require medical attention or hospitalisation. <i>Serious sexual abuse</i> in this category may be defined as sexual violation or any other sexual offence that carries a maximum sentence of 10 years or more. <i>False imprisonment</i> is as legally defined – ie, held without any legal cause and includes being held in any form of alternate care without legal basis.</p>
<p><b>Category 2</b> NZD\$40,000</p>	<p><b>Serious Abuse – Multiple Incidents</b> The claimant has suffered:</p> <ul style="list-style-type: none"> <li>• Serious physical abuse perpetrated by one or more staff members or caregivers on more than 3 occasions; and/or</li> <li>• Serious sexual abuse perpetrated by one or more staff members or caregivers on more than 3 occasions; or</li> <li>• Has been subject to significant periods of false imprisonment.</li> </ul> <p><b>It is expected that most claimants in this category will have suffered <u>both</u> serious physical and serious sexual abuse.</b></p>

(cont.)

	<p>This category is distinguished from Category 1 by the fact that the abuse is not over such a prolonged and sustained period of time.</p> <p><b>Definitions:</b></p> <p><i>Serous physical abuse</i> in this category may be defined as closed fist punching; the use of implements and kicking/stomping that results in broken bones or other trauma and would ordinarily require medical attention or hospitalisation.</p> <p><i>Serious sexual abuse</i> in this category may be defined as sexual violation or any other sexual offence that carries a maximum sentence of 10 years or more.</p> <p><i>False imprisonment</i> is as legally defined – ie, held without any legal cause and includes being held in any form of alternate care without legal basis.</p>
<p><b>Category 3</b> NZD \$30,000</p>	<p><b>Serious Abuse</b></p> <p>The claimant has suffered:</p> <ul style="list-style-type: none"> <li>• Serious physical abuse perpetrated by one or more staff members or caregivers on three (3) or fewer occasions; and/or</li> <li>• Serious sexual abuse perpetrated by one or more staff members or caregivers on three (3) or fewer occasions; or</li> <li>• Has been subjected to more than three (3) weeks in secure care without reasonable cause, <b>and</b></li> <li>• Has suffered physical or sexual abuse either while in secure care or in other placements.</li> </ul> <p><b>Definitions:</b></p> <p><i>Serous physical abuse</i> in this category may be defined as closed fist punching; the use of implements and kicking/stomping that results in broken bones or other trauma and would ordinarily require medical attention or hospitalisation.</p> <p><i>Serious sexual abuse</i> in this category may be defined as sexual violation or any other sexual offence that carries a maximum sentence of 10 years or more.</p> <p><i>False imprisonment</i> is as legally defined – ie, held without any legal cause and includes being held in any form of alternate care without legal basis.</p>

(cont.)

<p><b>Category 4</b> NZD\$20,000</p>	<p><b>Moderate Abuse</b> The claimant has suffered:</p> <ul style="list-style-type: none"> <li>• Moderate physical abuse perpetrated by one or more staff members or caregivers; and/or</li> <li>• Moderate sexual abuse perpetrated by one or more staff members or caregivers; or</li> <li>• Serious sexual abuse (as previously defined) by other residents; or</li> <li>• Has been subjected to more than three (3) weeks in secure care without reasonable cause.</li> </ul> <p><b>Definitions:</b> <i>Moderate physical abuse</i> in this category may be defined as assaults with or without hands that result in visible injury such as bruising or abrasions and ordinarily the need for medical attention. <i>Moderate sexual abuse</i> in this category may be defined as offences that attract a maximum penalty of less than 10 years. <i>Without reasonable cause</i> is defined as there being no identifiable or document rationale for placement in secure beyond that period of time.</p>
<p><b>Category 5</b> NZD\$12,000</p>	<p><b>Low Level Abuse</b> The claimant has suffered:</p> <ul style="list-style-type: none"> <li>• Low level physical abuse perpetrated by one or more staff members or caregivers; and/or;</li> <li>• Low level sexual abuse perpetrated by one or more staff members or caregivers; or</li> <li>• Sexual abuse (as previously defined) by other residents; or</li> <li>• Held in secure care for less than three (3) weeks without reasonable cause, and has suffered low level physical abuse.</li> </ul> <p>This category includes more serious sexual assaults by other children or young people that do not constitute the same breach of trust as above.</p>

(cont.)

	<p><b>Definitions:</b>  <i>Physical abuse</i> defined physical punishment beyond the standard allowed or assaults with or without hands that result in no injury other than bruising.  <i>Sexual abuse</i> defined as watching, inappropriate touching and exposure.</p>
<p><b>Category 6</b>  NZD\$5000</p>	<p>Claims with Insufficient Particulars  The claimant has made:</p> <ul style="list-style-type: none"> <li>• claims of physical abuse or ill-treatment where the claimant has been unable to provide sufficient particulars, or where the claimant readily identifies a practice failure that did not result in abuse.</li> </ul>

Source: Anonymous<sup>1</sup>

<sup>1</sup> In response to an Official Information Act request, I was sent the numerical steps that occupy the left-hand column (MSD 20 September 2017, on file with the author). However, the descriptions were blanked out and I had to get them from an anonymous source.

