
From: [REDACTED]
Sent: Sunday, 8 March 2015 11:58 PM
To: redress
Subject: Submission Redress
Attachments: Redress paper

What is being Redressed?

Let's take a step back.

We are seeking to develop a model or models to address and provide a remedy for the impact of the sexual assault of a child where a person in a position of authority has betrayed his or her trust where the institution has failed in its duty of care.

Elements of the impact of sexual assault:

mistrust
betrayal
sexual traumatisation

the institution was established for a purpose e.g.
to educate children
to nurture children in what should have been religious belief defilement where cleansing or redemption was promised to care for children e.g. orphanage or Foster Care.

A Common element was that children (quote Commissioner) had no rights.

It appears that abuse fed and feeds on such a concept.

Therefore not only should institutions provide Children with rights and mechanisms to report abuse but as sexual abuse took away a child's choices took away the capacity to control ones body a key element, of redress ought to be survivors life choices. The restoration of the survivors choices is paramount.

Providing survivors a place on Boards, policy making processes would not only provide a perspective of benefit to children but it would re empower survivors.

It would not be appropriate to establish a system destined and operated by lawyers and psychologists. That would be to in effect perpetuate the system of power and control. It will be vital that any Redress Authority or Board or Trustee include survivor representatives.

The prevailing view of survivors, from my discussions is a mistrust of the institutions wherein the abuse occurred and the subsequent denials, cover ups and minimisation of the impact of the abuse on our lives.

Redress therefore ought to address these elements.

The call for a national or state based redress scheme is to establish an independent statutory body which provides Redress free from the vested interests of the institutions where the abuse occurred.

The Board should have a quota of 50% survivors.

The staff should have a quota of 25% survivors.

To ensure survivor sensitivity.

All Board members and staff would need to be trained to understand and accommodate traumatised survivors.

Breaking the silence and overcoming denial are key elements of redress therefore

there ought to be some statutory authority similar to the Private Hearings where survivors can tell their story.

there should be no confidentiality clauses negotiations should address the power imbalance.

We are in this situation because too many institutions denied the occurrence of the sexual abuse

too many abusers retained their positions of power for too long

apologies were denied

efforts to enter into negotiations were met with rebuff and survivors re victimised in what has often been described as an abuse of legal representatives.

The Report discusses monetary payments but then recognises the cost and the reluctance of governments to become so heavily liable.

For many survivors the cumulative losses are so great that time and refusal of institutions to provide redress has created a situation where survivors heading into retirement stage of life financial redress has become the only option. The institution ought to held liable for their delay increasing the necessity and cost of redress.

The hyper inflation of both housing and electricity has also added to the loss incurred by survivors. The provision of housing for survivors denied the opportunities to earn a living and buy a house ought to be a key element of Redress. It is imperative that survivors regain self control by owning their/ our accommodation.

However, there are other survivors who, as teenagers and / or young adults locked away or suppressed the memory of sexual abuse and through the resilience of youth and energy of youth gained an education or built a business and achieved much in life.

In middle age when disclosures occur there appear to be two basic responses:

1. A simple request for acknowledgement that the abuse occurred and that the institution betrayed the victim's trust.

Much litigation would never have occurred had there been an apology .

Many institutions have Public Liability Policies. With clauses forbidding admission of guilt. It is argued that these clauses have placed the leaders of institutions in a position they should never have been placed in. Such a prohibition runs counter to the tenants of faith of many religious organisations – particularly Christian institutions because of the basic teaching to confess sin and refrain from it in the future.

Law reform ought to prohibit such clauses.

To address the fear of liability
and to facilitate an apology

a law could be passed that neither an apology nor an expression of sorrow or comfort or support can be used in civil litigation.
Not to create legal liability.

Provision of assistance
e.g. counselling
where the survivor is able to provide for oneself.

Punitive damages
some survivors seek damages as a punitive measure upon recalcitrant institutions

A redress scheme ought to provide for this.

It may be that such redress being punitive rather than restitutive might in part or whole be paid into the redress scheme

others have a middle age breakdown
when the wall comes down and the traumatic memories flood the survivor who experiences a breakdown often spiralling into unemployment and various degrees of social isolation.

Forced closure and sale of assets.

Some institutions deteriorated into institutionalised abuse with abusers and enablers.

Some abusers have requested a memorial on the site for others the place was so evil that the remedy sought is closure and demolition and the proceeds paid out to survivors.

Redress Options:

Lump Sum - a recognition of the impact on the survivor's life.

Restitution or an effort to restore loss of opportunity in life and to assist the survivor whose employment opportunities have passed or taken or restricted.

This should include:

A combination of lump sum / annuity

A lump sum sufficient to buy a house or unit as redress of lost income that meant the survivor was unable to purchase a residence.

Redress for victimised Mandatory Reporters.

Mandatory Reporting and the fulfilment of one's duty of care are pillars of Child Protection.

There are occasions where, rather than being supported the Office Bearer is victimised
marginalised

as ██████████ stated before the Commission "seen as a trouble maker".

Redress should include a lump sum for superannuation or an annuity equal to the income lost

In the case where housing was provided

a lump sum sufficient to purchase equivalent housing.

Redress should also include losses incurred by the office bearers

family.

Eg adult offspring going out to work to help support the family at a time the office bearer might otherwise be supporting the adult offspring through tertiary education.

Health Care Cards

Transport and utility concessions

Paid internet connection and provision of computers

Paid annual leave and sick leave for survivors in the casualised workforce.

Scholarships to create educational opportunities

“Counselling”

Funding for:

National survivor helplines with male and female counsellors

Funding to research sexual assault and trauma – particularly sexual trauma.

Sexual assault units in hospitals

Drop in centres for survivors

with a range of health care workers

A range of counselling services

The Report states that many survivors initially access general counselling services.

As a survivor progresses along the path of recovery specific needs often arise

e.g.

The need to be released from a dissociative state after lapsing into a dissociative state

processing triggered memories

There is a need to research and train professionals in:

sexual assault

trauma release

the provision of safe places to retreat to when in a dissociative state and to be released from it

A counselling scheme should fund the health care workers of the survivors choice

both secular and religious (there are those of us who find comfort, support, resilience and healing from our Pastors)

psychologists, counsellors, social workers
and reflexology, therapeutic massage, kensiology, music therapy
and others located by survivors.

Specialisation by psychologists and counsellors should be encouraged.

Too many psychologists and counsellors are promoting that they treat survivors of sexual assault when they have had no specific training.

In order to treat survivors they should be trained - preferable in Post Graduate Degrees and diplomas
and attend at least one seminar a year
in fields such as:
sexual assault
trauma
and issues faced by survivors.

Survivor Sensitive workplaces

Too many workplaces are re traumatising.
Too many supervisors are abusive

Survivors are vulnerable and in order to reclaim our lives we need safe work places.

There is a need to establish survivor sensitive workplaces to create opportunities for employment
and to minimise compounded losses.

Redress is a complex issue and it is hoped the models adopted will be flexible enough to accommodate the diversity of survivors and that Redress will be also available for Victimised Mandatory Reporters. And Whistle blowers.

Rev Graham Nathan L Guy