

Royal Commission into Institutional Responses to Child Sexual Abuse
GPO Box 5283 Sydney
NSW 2001

By email: redress@childabuseroyalcommission.gov.au

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To whom it may concern

Submission to the Royal Commission

Background

I met a youth group leader at a church in the 1970s. I was abused by this person at his parents' home over a 3 year period. There were at least 20 abuse instances on at least 20 different dates and three instances of indecent assault for each of the twenty instances.

I did not report the abuse until the early 2000s when I made an official police statement. Subsequently the matter went to the Magistrates Court and then there were two County Court trials. These criminal and court appearances took 7 years to complete.

Civil litigation

Civil litigation should be a right regardless of the time span between the abuse and the current year. An arbitrary cut off period does not allow reconciliation for someone who has been abused. The paedophile has no remorse, will lie and fabricate to cover up their past. They don't think they have done anything wrong.

Civil litigation becomes so important to redress the years of paedophile denial, the court cases and the cover up by the paedophile. All I wanted was an apology – it is probable that this will never happen.

I have included **Attachment 1**: Impact Tree Diagram to show the issues caused by the abuse over the period 1978 to 2015. The issues that an abused person must deal with are detailed and it has taken me the best part of 10 years to be able to articulate the issues I have confronted and had to deal with. I think determining the impact is one of the many barriers an abused person has to deal with. The pain and suffering is multifaceted and it is easy to simplify. Abuse somehow needs to be quantified, even over quantified to ensure fairness and acceptance that the abuse occurred and that it is acknowledged as such.

Civil litigation for me would mean public condemnation for this paedophile and public knowledge of his activities and past behaviours. Constraints should be placed on him and more victims allowed to come forward for either criminal trials or further civil litigation.

Justice is vital for anyone who has been abused.

Duty of institutions

Institutions have a duty of care to ensure those who have contact with minors are suitable. If someone proves to be subsequently unsuitable then the institution must take full responsibility. Institutions should do everything in their power to remedy the situation. In my case I would like the [REDACTED] Church to take civil litigation on my behalf to litigate against the paedophile. If this isn't possible then assist me in any way possible to litigate by myself.

Churches in general "need to make better what is always wrong" regardless of their legal rights and responsibilities.

Principles

The Model Litigant Principles are really important and I agree with sentiments listed at pages 226-228. I would note the following for reinforcement and from a personal perspective:

- The need to expedite all abuse cases.
- Clear process with a designated case manager.
- A statement of claim where possible should be detailed and the parameters of the damages should be able to be articulated. This must be part of the process for the benefit of the abused. Counselling services should be mandatory. This may not necessarily be the abused who compiles this. In my circumstances I have been required to provide all information to substantiate my court appearances.
- Swift diagnosis of any physical, drug or mental issues – care and attention needs to be provided immediately.
- Ensure the paedophile is required to address the claims. This may subsequently lead to a criminal matter. Any evidence collected should be reported to the police. Criminal cases should also be subject to a model set of principles.
- Paedophiles need to be placed on a register, held by the state with access by courts and the police.
- The victim needs to feel free from the abuse and the paedophile. This is tricky, however measures should explore all possible avenues. My guidelines include:
 - first is to make their life a bit easier
 - the second is to explore all opportunities to repair the damage
 - the third is to set a high benchmark for assistance
 - and fourth is to have accountability for the crime.

Summary

In summary I think the suggested principles are fantastic. I would question the lag effect and the thousands of victims that at present have nowhere to go. Resources to assist require fast and formal processes to be set up, a clear direction for victims and ultimately redress that suits the individual. I have my doubts as to whether the state or institutions have the ability to move efficiently and be synchronised with the needs of the abused.

I hope that the wait isn't too long.

If I can provide any further assistance please feel free to contact me.

Lachlan

