

SUBMISSION FROM MATTHEW STUART IN RESPONSE TO CONSULTATION PAPER – REDRESS AND CIVIL LITIGATION – ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

I am a “survivor” of child sexual abuse and have attended my private session with the Royal Commission into Institutional Responses to Child Sexual Abuse. I want to make a brief submission to discuss some of the issues that are important to me and that I feel strongly about. I have read the 306 page consultation paper and feel that I can only provide meaningful comments if I write about my experience to date with these issues.

I will briefly outline my story. My abuse occurred in 1979 at a Public Boarding School in Melbourne. I was 15 years old. I woke up to find the perpetrator (Boarding House - House Master) abusing me. I reported the abuse the next morning. The perpetrator denied it – the Head Master took action within weeks and removed the perpetrator from the Boarding House but not the School. The police were contacted a few weeks after the abuse. It created division and turmoil at the school, in the school community and my family. Several months later the perpetrator died in a single car collision with a pole. I had heard nothing about the police investigation and it was not until 2011 that I stumbled across a “history” book published by the School and learnt that the perpetrator had died on the afternoon he had been told that he was to be prosecuted for the abuse. The cause of death was “death by misadventure”. The book talks at length about me (called “the boy”), the abuse and the perpetrator of the abuse. The death created even more division and turmoil in the school, school community and my family. A quote from an old teacher in the “history” book says in relation to the abuse “... It became a discussion at dinner parties throughout Melbourne, what was happening at X (the school), like the Azaria Chamberlain case it just grew and grew like topsy.” After the abuse incident I was never the same – a part of me had died and I felt empty. Things became even worse and in the summer holidays after the abuse I had my first Major Depressive incident which continue to this day. After reading the “history” book published by the School I was so close to ending my life that the CATT (Crisis Assessment and Treatment Team) came to my house to do a welfare check after they were called by the NCASA (Northern Centre Against Sexual Assault) when I had uncharacteristically not attended a session. I was actually relieved when they came. It probably saved my life.

I started to seek help and was referred to NCASA in early 2011 and felt that I would only get better if I did a series of things including medical help, counselling and approaching the School to seek some kind of justice. I appointed a Lawyer who was a specialist in this area and the School was very prompt to reply and through mediation I received some compensation and an apology. This was before the Royal Commission into Institutional Responses to Child Sexual Abuse.

I mentioned earlier what I thought I needed to do to address and get over this thing that has impacted so significantly on my life and try to “get better”. I could not go on as I was. For me these were:

- Getting medical help from anywhere I could (psychological care, counselling)
- Addressing the matter with the School (seeking compensation and an apology)

I see that the consultation paper is basically saying the same thing:

- An apology
- Monetary payments
- Counselling and psychological care

I would like to discuss these matters briefly based on my experience:

Apology: The apology I received made a significant difference to the way I felt towards the School. In my case the perpetrator was dead (died 6 months after the incident – death by misadventure). I had thought about who might apologise to me and the School selected someone that I did think was appropriate. I realised at the time that this person saying these things found it incredibly difficult and that it was an extremely difficult thing to do (particularly as they were not at the School at the time of the sexual abuse). I felt sorry for them. I wondered if I should be causing more pain. I was incredibly moved by what he said. He was honest about the situation we found ourselves in (35 years after the event), it was sincere and it made me feel like a weight had been lifted of me. The apology was verbal and at the end I immediately made it clear that I accepted the apology. I think it was very moving for everyone present. I felt that I could now start to view and think about the sexual abuse as an adult and not as a scared and bewildered 15 year old boy.

This was my experience. My comments about the apology and this consultation paper are that it is such a very personal thing and cannot be forced or prescribed in detail and to do so would make it lose its purpose and meaning. I am glad that I received an apology when I did and would be disappointed to see this matter being over analysed in terms of apology content rather than the importance of an appropriate apology in whatever form that takes for the people involved.

Monetary payments: This is an extremely difficult issue. I understand the concept of “restorative justice” but you cannot wipe the matter out of my mind or tell me how my life would have worked out if this thing had not happened to me when I was 15 years old. Everyone is different. I cringe when reading the consultation paper and discussion of “assessments of degrees of abuse”. It is so difficult to discuss and assess the impact and pain on individuals. It is even more difficult to “assess” when it is 35 years after the event and you are talking to a 50 year old man – not the child they were when the event occurred. In my case my lawyer tried to talk to me about this but I didn’t want to discuss it. I could not put a figure on it or understand exactly what it was compensating me for. If you really thought about it it could go into millions but compensation for sexual abuse is never going to be close to the real “cost”. The compensation payments really do send a message from the Institutions and society to the victims – that message seems to be: “This is what your suffering and pain (effect on life/grieving for this life?) is worth!” Unfortunately, it seems to be little more (maybe less) than falling over on a broken footpath and getting compensation from a Local Council for a broken leg.

I have read about other compensation schemes where older abuse cases received less compensation than newer ones which seems illogical to me. In my case 35 years of suffering and still going, little help and in many cases suicide or lives survived but not lived.

I had a physiological assessment done at the insistence of the School for my negotiations with them. It was stated that I was in urgent need of psychiatric input, possibly for an indefinite period of time. My psychiatric conditions of Major Depression, Traumatization, Avoidance, Anxiety and Social Phobia were attributed to the sexual assault. Intensive treatment was recommended if I am to improve, however, my coping mechanisms were considered to have become entrenched over the last 35 years. Over the next 10 years the "conservative" estimated cost of medical treatment was 250,000.00. However, my compensation will fall a lot short of meeting this need alone. My point being that the monetary payments will never be adequate and to spend a lot of time and effort pursuing them has a negative impact on the victims and this time and effort should be used where it is most helpful to victims (psychological care). This should be recognised and a simple, clear and quick process established for monetary payments in order to concentrate on the really important issue of ensuring victims' psychological needs are met and getting us on a path to a happy and healthy life.

Counselling and psychological care: As mentioned above I believe this is the most important issue of all. Without this any apology or monetary payment is of little value or assistance to the victims if they continue to live with severe psychological problems. My experience with counselling and psychological care has not been good and I have struggled even with the Royal Commission to get anything near the help required. My sessions with NCASA (Northern Centre Against Sexual Assault) were very helpful but I was only entitled to 10 sessions – then it's over and you are left seeking out and paying for appropriate help yourself which is very difficult, daunting and expensive. I did read in the consultation paper the view that people who have been abused are the responsibility of our entire society. In my case it was the reaction of "society" (teachers, school, local and wider community, parents, relatives,) that hurt me the most. It is a hard pill for society to swallow but the reality for me is that society did the most damage to me (obviously it stemmed from the perpetrator and the abuse itself). It seems that the body is stronger than the mind and this is the aspect of child sexual abuse that really needs to be concentrated on the most. Who knows what psychological care will cost or how long it will take. My hope is that resources are made available and that help is not limited or made difficult to obtain. It should be recognised that for victims who have suffered for years and have not received any or very little adequate help that help may be required for the rest of our lives as behaviour and coping mechanisms have become entrenched over the many years since the sexual abuse. It is my view that if the Royal Commission into Institutional Responses to Child Sexual Abuse does nothing else than get victims the best professional psychological help possible – paid for by society – they will have done the best they can.

I ask the Royal Commission into Institutional Responses to Child Sexual Abuse to help survivors not just to survive but to eventually live again.

Matthew Stuart