



1. ISSUES PAPER 6

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REDRESS SCHEMES

ISSUE

The Terms of Reference require the Royal Commission to inquire into what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse in institutional contexts, including in ensuring justice for victims through the provision of redress by institutions. 'Redress' means remedy or compensation, and it can include financial compensation, provision of services, recognition and apologies and the like.

The Royal Commission is considering the effectiveness of redress schemes or processes established by governments or institutions to offer compensation and/or services to those who suffer child sexual abuse in institutional contexts.

All states and territories have established statutory victims of crime compensation schemes, and some states have established schemes specifically for those who experienced abuse in some institutions. Some non-government institutions also offer redress schemes or processes, including for example the Catholic Church's *Towards Healing*, which was the subject of Issues Paper 2. Redress schemes have also operated overseas, including government and non-government schemes.

Redress schemes in Australia and overseas have taken a variety of forms. Some schemes are quite small, applying to former residents of only one institution, while others are larger schemes applying across a group of related institutions, and some have been established as statutory schemes. The schemes have also had quite varied rules, including about coverage, eligibility, validation procedures and payment calculation and scales.

The Royal Commission now seeks submissions on redress schemes and their effectiveness.

Redress provided through statutory victims of crime compensation schemes will be considered in a separate Issues Paper. The Royal Commission has already obtained input about the effectiveness of civil litigation systems in resolving claims for damages against institutions in the civil courts and possible reforms to civil litigation systems through Issues Paper 5.

Submissions from those who have been involved in redress schemes in relation to child sexual abuse in institutional contexts, whether as a claimant, institution, service provider, representative of a party or stakeholder or professional organisation, are particularly welcome.

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SUBMISSIONS

Submissions are sought from interested individuals and government and non-government organisations on this issue. Of particular interest to the Royal Commission is:

1. [What are the advantages and disadvantages of redress schemes as a means of providing redress or compensation to those who suffer child sexual abuse in institutional contexts, particularly in comparison to claims for damages made in civil litigation systems?](#)

Advantages -

- No onus on victims to provide physical evidence of abuse, witness statements, doctors reports or in fact having to attend court
- Psychological trauma significantly reduced by providing a pathway to redress, easily accessible to all victims
- No rulings made against victims
- Redress schemes in most instances, provide a much quicker time frame for claims to be settled, Civil litigation can take years & can be very costly
- More compensation to victims, less that victims have to pay lawyers
- Compensation can be determined on a case by case basis, particularly when there has been more than one abuser

Disadvantages -

- Redress scheme may be capped (Who would decide this ?)
- Getting all institutions to agree to such a scheme may be difficult

2. [What features are important for making redress schemes effective for claimants and institutions? What features make redress schemes less effective or more difficult for claimants and institutions?](#)

It is important that the redress scheme is set up & managed by independent persons, with a background of experience in working in human services, are able to be objective, have a sound understanding of the significant affect on victims that child sexual abuse has had on them & their significant others, families, personal relationships & their lives in general.

Each claim must be treated with respect & on an individual basis.

Institutions must put victims first & acknowledge that in this day & age money is the most pertinent way to give victims a sense of wellbeing, allowing them to be able to enjoy the remainder of their lives, without financial stress. Many, many victims have led self destructive lives, in an effort to escape the trauma of the abuse, consequently many victims have very little to show for their lives.

Changes in legislation in regard to religious orders, needs to happen, thus forcing institutions to come to the table & pay appropriate compensation not pittance as has happened in the past. Victims need not be traumatised further.

3. [What forms of redress should be offered through redress schemes? Should there be group benefits available to, say, all former residents of a residential institution where abuse was widespread? What should be the balance between individual and group redress?](#)

Several forms of redress should be offered to victims, designed to meet individual specific needs as set out below :

- Financial - A lot of victims are now middle aged or older, often having lost everything or having not been able to succeed in life & achieve things such as a home to call their own, that many people take for granted. I, myself am a secondary victim, as I lost the homes I owned through the destructive behavior of my partner (a victim). Financial redress must include secondary victims like myself & my children, who have experienced loss on a very large scale.
 - Psychological - Redress must include ongoing psychological assistance for those victims who require it, no limits on the number of sessions with a chosen practitioner.
 - Advocates – Many victims are unable to speak for themselves, hence the need for advocates to act on their behalf, I believe this would be helpful to victims.
 - Group V Individual - I do not believe that group redress is appropriate in these circumstances. No 2 stories are alike, all those that suffered are individuals in their own right, therefore must be addressed on an individual basis.
4. [What are the advantages and disadvantages of establishing a national redress scheme covering all institutions in relation to child sexual abuse claims? If there was such a scheme, should government institutions \(including state and territory institutions\) be part of that scheme? How and by whom should such a scheme be funded?](#)

Advantages of establishing a national redress scheme :

All victims would benefit by having one body established to address compensation, although I feel there would need to be representatives available for contact in each state or territory.

Institutions such as the Catholic church must be willing to provide significant pools of money without question or limit for adequate payments to be made to victims & their families. Individual diocese or parish funds or lack thereof cannot be used as an excuse not to pay victims.

State & Territory Government run institutions redress needs to be funded by the Federal government & equal in compensation paid by the private or church run institutions.

For example, [REDACTED] (victim) was abused in a Catholic boarding school, he was under a “Ward of the State “ order whilst at that institution, hence there are going to be cases such as this where the two overlap.

Disadvantages of establishing a national redress scheme :

As long as there are enough personnel to handle the large number of claims that have or will be lodged, I don't see any disadvantages.

5. If institutions have established internal redress schemes, should all or any part of the decision-making of the scheme be independent of the institution? Should the schemes be subject to any external oversight? If so, what?

Independent persons is paramount to redress being fair & unbiased. By looking at the way in which for example, Towards Healing was set up, the “victims” were never paramount in any of their redress. The obvious agenda was deny, pay the least compensation possible, treat victims with contempt, deter claims being made, fail to fully disclose, require unattainable proof or evidence of abuse before offering anything to the victim.

Money & the “good name of the church” was more important than the victims.

All redress must be independent of all institutions, whether private, religious or government.

6. Should establishing or participating in redress schemes be optional or mandatory for institutions?

It has to be mandatory or there are likely to be victims that never see any redress.

7. Should seeking redress or compensation through a redress scheme be optional for claimants? Should claimants retain the ability to pursue civil litigation if they wish?

This should be optional, freedom of choice so to speak.

8. How should fairness be determined in redress schemes when some institutions have more assets than others? How should fairness and consistency between survivors be achieved in these circumstances? What should be the position if the institution has ceased to operate and has no clear successor institution?

Surely, in most instances most institutions have a “parent” body or order, if they do, then funds for redress should be made available from them. In the event that there is no “parent” body or order, perhaps that institution could possibly gain funds through a government loan or the like. Ability to pay redress should not necessarily determine the amount of redress paid to survivors. A large percentage of institutions do have the funds to pay appropriately & should do so. The redress other countries have paid should be used as a benchmark in Australia, unlike the opinion of George Pell who stated that he thought \$75,000 (capped) like a car accident claim, was more than generous, when payments in the USA & Ireland have been around \$1 million dollars, he was quick to try to play down & imply that abuse victims in Australia should get less because this is not the USA or Ireland. Abuse is abuse no matter what part of the world it has happened in.

9. What are the advantages and disadvantages of offering compensation through a redress scheme which is calculated on the same basis that damages are awarded by courts in civil litigation systems? Should affordability for institutions be taken into account? If so, how?

Court rooms are somewhat like a theatre, depending on the performance of the lawyers, the mood of the judge, the appearance of a victim etc. Taking a look at redress in other countries would be a good place to attain relevant & real outcomes & precedent. The government should be involved in ascertaining the ability of any institution to pay, this information can then be provided to the nominated redress scheme.

There has to be a bottom/base line minimum amount set. I suggest the amount of \$250,000 is a fair & equitable amount awarded for pain & suffering alone, followed by each victims unique life changing story & the impact thereof.

10. Given that the sexual abuse of children mostly occurs where there are no witnesses, what level of verification or proof should be required under a redress scheme to establish that a claimant has been sexually abused? How should institutions be involved in verifying or contesting claims for compensation?

The only requirement should be proof that the victim was a student of the named school or institution. Nothing more.

11. What sort of support should be available for claimants when participating in a redress scheme? Should counselling and legal advice be provided by any redress scheme? If so, should there be any limits on such services?

Immediate needs such as counselling should be made available to victims.

There will be lawyers in every state offering free advice, the redress scheme should remain impartial.

Advice for victims on how to :

- Make application for redress
- Where to get legal advice – refer to No-More
- Where to get counselling & or psychological help

12. If a claimant has already received some financial compensation for the abuse through one or more existing schemes or other processes, should the financial compensation already received be taken into account in any new scheme?

Any financial compensation that has already been paid should only be taken into account if the amount already paid is over \$50,000 as it is apparent that in most circumstances the victims have been re-traumatised through the process of trying to get any compensation in the first place.

Any payment that has been a “Pastoral payment” for the purpose of medical expenses or the like should not be considered compensation to victims or compensation to a secondary victim.

Submissions are welcomed on any aspects of redress schemes as they affect claims for compensation by people who suffer child sexual abuse in institutional contexts.

Submissions will be made public unless the person making the submission requests that it not be made public or the Royal Commission considers it should not be made public. That will usually only occur for reasons associated with fairness.