

Graham S Bridgland, My Submission to Issue Paper No 6.

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?

Redress is a rather large part of the claim, it allows the claimant to believe his claim has been accepted, The Loss of the "Lies" factor is another way to accept the healing process. Any compensation paid will never amount to the pain, suffering that was done to them. What price is put on the RAPE of a Child, then again, numerous times? I don't believe the money should be seen as a reward. The SA Government and the Catholic Church have found so many ways to dilute any reparation paid. I accepted both payments and still was short changed by the amount granted or suggested.

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?

The process and time taken is important as they will procrastinate over minor details, therefore trying to make you want to just give up without settling any claim.

The amount of Compensation should not be a single amount, the abuse given and the child should be a major action in deciding any amount. To me at present it is handled as if we are trading beans. The rape of a Child is the lowest act than can be performed by Adults especially by those who a paid to protect the victims.

Once a claim has been accepted, the compensation should be set by an independent authority, not by the perpetrators or agents.

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?

Redress could be given in many forms, Monetary, Education, Life skills and housing. Without taking the subject lightly, Any Money granted should not be associated with any privacy agreements. Why, this is still hiding the facts, public humiliation is a deterrent.

Group redress suggests that all cases are similar, they are not.

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?

A National Redress scheme also suggests that all crimes are equal in the eyes of the law. State Governments and others should be accounted for the actions of those they employ and the judgement is then seen as above politics.

The Institutions should carry the costs alone. They all have Insurance to cover these events. The proposal suggests that those homes that have not been involved should also pay into the fund, whereas repeat offences are seen as just part of Institutional Life.

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?

All decisions should be overseen by an independent body, public scrutiny would stop the groups from gaining support by the actions of others.

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

I am sure the law would not differentiate when handing down a sentence. To me that sounds a bit like insuring your car, should I take a risk regardless that other will suffer by my choice?

We all should be prepared to accept responsibility for our decisions.

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?

Many will not want to relive their experiences, therefore they could be given a reduced payment. The idea of the reparation is acceptance that the claim has been accepted.

I know of many that decided to accept the first offer made, in fear of their image being shown, thereby the very private lives are in the public arena.

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?

If my house is bigger than yours, I pay more in Insurance. I am reminded of a decision handed down in an Industrial Court where the Commissioner said that all employees covered under the Award, REGARDLESS the size of the company are entitled to gain the increments.

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?

The trouble with this option seems to me that Bigger Bodies are able to have the bigger Lawyers, therefore they will have an unfair decision for the same offence than the smaller institutions. Does the amount of assets owned give any protection in the law.

In SA your money is not taken into any offences in the courts, It is the Lawyers who try and have sentences reduced or fines paid.

Is my RAPE and different than the rape of a Female child?

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 basic truth should be enough, if abuser "A" was on duty at that time, and history shows a pattern, why would you not think the child is a liar, because they are children.

It may sound trite, but surely if a number of complaints are submitted, they should at least listen and learn by asking questions.

Some perpetrators seem to take advantage after not being discovered after their first case. How many children's claims will make anyone in authority take any action? Does anybody REALLY CARE, after all they are only children?

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?

FREE LEGAL representation, so many victims have been bullied by those who act for those Institutions and State Governments.

Financial advice should be offered to all claimants. In most instances, the amount is too big for so many to actually as they will never have that amount before.

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?

NO, many have accepted an amount not what may be granted by the Commission. In all fairness if the agreed amount is greater than that first offered, that should be set aside and the new amount granted.

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2nd June 2014