

RESPONSE TO ISSUE PAPER 6

REDRESS SCHEMES

Each numbered response coincides with the numbered questions the commission has asked us to respond to.

1. The advantages are that redress schemes are not subject to Statutes of Limitations so can provide an opportunity for victims to receive some level of compensation for past abuse and ongoing trauma.

The disadvantages are that levels of compensation are set by the very public institutions or government authorities that held the responsibility to protect the children from the abuse. The levels of compensation are therefore set to meet the needs of the institutions or government authorities, and their focus seems to be on protecting the institution or government from excessive financial impacts, which is not fair.

2. The level of compensation needs to reflect the level of trauma and abuse a person has had to endure and then live with for prolonged periods of time. Having redress schemes that don't offer people a reasonable level of compensation, given the personal impact sexual abuse has on people, is unjust as other members of the community are offered significant payouts in the form of compensation for one off events that have led to ongoing trauma. Redress Schemes must be about justice and equality and if a legal precedent has been set for levels of compensation associated with certain illegal activities and events that must be reflected in the rationality for adopting certain levels of compensation in Redress Schemes.

Having a Redress Schemes that disempowers victims, such as the scheme that was adopted by the West Australian Government, can be extremely damaging. The reason being, is that as wards of the state, we were subjected to what other people felt was right for us and were given no opportunity to speak out and be heard. This is a major reason why so many of us endured abuse whilst in institutional care. The WA Government implemented a Redress Scheme that completely disconnected us from the process and once again turned us into passengers in our own bus. The Redress Scheme was our scheme designed to give us justice, and not the Government's Scheme designed to make the Government and the broader public feel better for addressing something that should never had occurred in the first place.

3. I am not comfortable with any proposal that gives all people who were residents of an institution access to a redress scheme. The reason being is that as the number of people who are able to access a Redress Scheme increases, the level of compensation decreases until eventually it reaches a level of being financially

insignificant, and that is unfair on the people who were subjected to the sexual abuse.

I do see value in offering alternative benefits through Redress Schemes that includes such things as access to free private health cover. Many victims of institutional abuse have struggled with drug and alcohol addictions and lived lives that have been full of stress and hardship. Many of us are now in our senior years and are experiencing health issues that include bad physical and oral health. Having access to free quality health care would go a long way towards assisting us to live a quality of life.

4. There are only advantages to establishing a national redress scheme. Ensuring that all victims of institutional sexual abuse are given the same level of compensation and benefits is equitable. All governments and institutions should pay their fair share. If a person was a ward of the state (placed in the care of the government) both the federal and state and territory governments need to take responsibility for funding that persons redress costs.
5. Any Redress Scheme needs to be independent of the body responsible for the child who was sexually abused. There should be federal legislation that includes penalties which frames the relationship between the claimant, the independent decision making structure and the institution or government.
6. It should be mandatory.
7. It should be optional and the victim should never lose the right to pursue civil litigation if the courts were ever to permit.
8. The federal government has introduced legislation that protects peoples long term employment entitlements were a company has gone into receivership, or something similar. Surely given the gravity of what people have experienced through sexual abuse we could find it in our hearts to make sure everyone got the same level of compensation.
9. Compensation is designed to ensure that people who have been negatively impacted on by an activity or event that has long term consequences, can lead a quality of life, or at least be in a position to mitigate or negate the negative consequences of that activity or event. A redress scheme that is not informed by this type of approach will only offer a token level of compensation that has a minimal capacity to change or alter a person's quality of life.

Affordability should not be a factor. We suffered lifelong trauma because of the actions of institutions and governments. There has got to be significant financial impacts on those very Governments and/or institutions that were ultimately responsible for the children who were sexually abused.
10. I participated in the WA Government's Redress Scheme and the WA Government accepted that I had endured sexual abuse. I provided sketchy information based on my memories that were over 35 years old. I also participated in formal counselling and my registered counsellor provided a report to the Redress people. I felt that there was sufficient information in my



records to substantiate my claim. Like all good bureaucrats whilst they did nothing to protect us they did keep records that now support peoples claims of sexual abuse.

Telling your story can be the most traumatic thing you have ever experienced. I bottled up my abuse for a very long time. To seek justice through WA Governments Redress Scheme I had to go back into my past and I unlocked some really bad memories and emotions. My dam broke and I cried and cried and cried. I have still not stopped crying for my lost years and all that I experienced through my hurt and anger. We must be careful about how high we set the bar of verification as it is associated with a high degree of emotional fragility.

Please remember it is hard enough for a man to admit that he has been sexually abused by another man, as in my case, it attacked my notions of sexuality.

11. There should be no limits on counselling services which need to be specific to people who have experienced sexual abuse while in the care of governments or other institutions. Whether there is a need for legal support, this dependent on the types of schemes introduced. If there are legal questions and people have to prove something has happened then it would require legal support to help mount a case and get access to specific information through the courts..
12. Redress Schemes need to be fair and equal. All people who have experienced sexual abuse whilst in institutional care should receive the same level of compensation. If a new scheme is developed past compensation needs to be considered and a top up payment provided to ensure that all people across Australia get the same level of compensation.