

ROYAL COMMISSION into INSTITUTIONAL RESPONSE to CHILD SEXUAL ABUSE

REDRESS SCHEMES : ISSUE PAPER 6

██████████ –Parent of Victim (please with hold my name and address on website)

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I have no experience of redress being offered to my adult child .I have views regarding REDRESS.

Question 1

An **advantage** of a REDRESS scheme would be the process for the victim can be less threatening, less stressful than a court battle with high profile, adversarial QCs

I have observed exhibitions by some members of the legal profession determined to discredit powerless sexual abuse victims both in and outside of the court system. Their abusive behavior has been confident in historic case civil litigation processes where the statute of limitation gives them the power to dismiss the victim.

DISADVANTAGE TO CURRENT REDRESS SCHEMES in Australia

- They vary in content,
- They can be totally inadequate for the damage the victim suffered (Childhood sexual abuse continues to affect every important aspect of adult life.)
- The current Redress compensation, from what I have heard, is not comparable to successful civil litigation cases for damages.
- Institutions can get away with nominating a low payout figure that suits them .

Successful in time civil litigation gives the chance of better outcome for victim in the present system.

However, while the statute of time limitation is operable in child sexual abuse cases , historic cases are shut down by legal representatives instructed by morally disengaged institutions, leaving victims with no resolution or compensation.

Question2

A Satisfactory Redress scheme requires

- A non threatening fair process to victims.
- A process that is fair to institutions.
- Compensation with built in structures that are comprehensive, to deal with
 1. the financial disadvantage of the victim due to health impacts (physical and mental),
 - 2 .The impacts of developmental gaps consequences leading to poor living and often relational skills,
 - 3 . damaged educational outcomes with the consequence of limited career paths path, limited earning capacity and quality of life.
 - 4 In some cases an incapacity to work or acquire a full time job.
- A public and private apology for the failure of the institution to acknowledge and respond appropriately to a victim's complaint and the victim's efforts to resolve the abuse with the institution either legally or in out of court mediation or meetings.
- Comprehensive lifetime Private health and top ancillaries insurance to include holistic care.

The Tribunal

- A multi discipline tribunal including prominent mental health professionals(psychiatric and counseling representation and holistic health representation, experienced in the field of addressing child sexual abuse.
- Legal representation
- Representative/s of effective relevant child abuse agencies
- A police representative from a child abuse unit.

The nature of the wounds of sexual abuse victims and their families goes well outside the corridor of the legal process.

It also goes far beyond zoomed over words of diagnoses and zoomed over words of heinous threats made to innocent children to silence them. The dire effects of damaged childhoods and adolescences are a lived difficult reality in adult lives.

A comprehensive model of REDRESS for victims of institutional child sexual abuse will hopefully come from the Royal Commission Recommendations.

A model that is fair, equitable, comprehensive and accessible for

1. historical cases,
2. in time cases
3. and for generations to come.

Part of telling our stories is to positively contribute to the reform of a damaging, inadequate system for children sexually abused in institutions.

Bypassing court processes would be a distinct advantage for victims of institutional child sexual abuse due to the level of stress of the adversarial, competitive legal system and the formality of the court system.

Institution need to relinquish their abuse of power stance, and make a decision that a just, workable process for victims and institutions can be created, with truth, dignity, respect and cooperation.

All institutions, including government , should be compulsorily and adequately insured.

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Question 3

The balance between individual and group redress should be according to the victim's damage in all cases.

- A non threatening process
- Fair Compensation
- counseling services
- apologies
- private health insurance for life with ancillaries.
- Possible Re education funded opportunities.

Question 4

A NATIONAL REDRESS SCHEME

An intelligently and comprehensively designed National Redress Scheme for all institutions, including government(state and territory institutions) is a desirable option.

All institutions should compulsorily have adequate public liability insurance. Other funding should be the assets of offenders and institutional assets.

The advantage is that a National Redress Scheme would be accessible with the information and the steps required for those applying available through all child abuse agencies, counseling agencies and on the internet.

A new scheme should be retrospective for victims who have failed to have a fair and responsible outcome in past dealings with adversarial asset protecting institutions.

Question5

Yes, the decision making and overseeing of an Institutional Redress Scheme should be independent of the institution.

My vision is for a NATIONAL REDRESS SCHEMEI of a multi discipline tribunal headed by Mental health experts, child abuse agency representation , some legal professionals and a police representative from a child abuse agency to give balance. All need to be carefully selected on experience, impartiality and integrity.

This could positively change the redress scene from a power abusing battlefield to a valuable resolution body.

Question 6

It should be mandatory for institutions to participate in a NATIONAL REDRESS scheme in a new model.

Question7

In the current system, seeking redress or compensation through a redress scheme should be optional for victims.

They should retain their right to pursue civil litigation if they want to.

While the statute of time limitation operates in child sexual abuse civil litigation cases, historical cases can be and are forced into no resolution, no recognition and no redress.

Question 8

IN the current system, fairness is hard to achieve

A thorough search of institutional assets needs to be conducted

After the Royal Commission recommendations are implemented the future of REDRESS may be taken care of by a NATIONAL REDRESS SCHEME.

Question 9

I think the advantage of offering compensation through a National Redress scheme equivalent to compensation awarded in court civil litigation systems is important.

- It alleviates the opportunity of an individual redress scheme short changing victims with inadequate compensation to restore and support the victims life to a satisfactory standard.
- It reduces pressure on the civil courts system.

Affordability for Institutions.

Affordability would be taken care of by the funding model for the new national redress scheme.

Compulsory adequate insurance and funding for a NEW NATIONAL REDRESS SCHEME.

Because of the bits and pieces redressmodels and the chronic institutional resistance to REDRESS, the new scheme needs to to be retrospective.

Question 10

Statements from 1st and second disclosure of abuse of victim and former reports.

Independent psychiatric report of claimant with record of deep understanding of the outcomes of childhood sexual abuse.(appointed by the tribunal ?)

Other professionals involved with the family and victim could give sworn statements.

Family witness statement of the victim's life.

Institutions and victims have access to tribunal consideration.

Question 11

1.I think claimants should have access to funded mental health support, ongoing holistic therapy and legal representation of their choice and advice during the process of participating in a national redress scheme.

2.Counseling for a period after settlement.

Question 12

If a claimant has already recovered some financial compensation through one or more existing schemes or processes it is fair to consider this, but not to absolutely exclude the victim in a new approach in a new comprehensive national redress scheme to apply and be considered.