

**Royal Commission into Institutional  
Responses to Child Sexual Abuse**

**RESPONSE TO ISSUES PAPER 6**

**RELEASED 23 April 2014**

**REDRESS SCHEMES**

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# Issues and processes to be considered in Redress Schemes

## WHAT IS THE 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 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.

## WHO AM I?

My name is Jeffrey George Curnow and I am now 63 years old. I was one of 8 children who were taken from my father after our mother tragically died in 1957 in South Australia. At that time I was 6 years old and my 7 brothers and sisters and I were taken to Adelaide and placed in several institutions. Our ages ranged from 2 to 10.

After about 1 year in Glandore Boys Home Adelaide I was put in a few foster homes for a short period of time and eventually ended up in the [REDACTED] where continual sexual abuse took place on me as a child for at least 7 years that I can remember. The foster father had also fostered 3 of my natural brothers, who had been physically beaten, emotionally traumatised and maybe sexually abused by him. Two other foster girls in the family had been sexually, physically and emotionally abused by him too as well as my brothers.

## MY ISSUE WITH REDRESS SCHEMES

'Redress' Schemes need to be consistent and equitable in their administration, processes and guidelines as to what support and compensation is applied to each case with each person who has been abused. Children are placed in foster homes by government departments and these children deserve to be kept safe. As a resident of Queensland, I didn't even know that there was a 'Redress' Scheme available to me as a child who was abused in South Australia,

until my wife told me that her counsellor had mentioned it to her. This was in early 2009.

Since that date, I applied for 'Redress' through Ex Gratia payments in South Australia and was offered \$10,000 under unsound advice. So did my wife Patricia, who was a foster child in the [REDACTED] while I was there. We eventually married and moved out of the [REDACTED] as adults in early 1979. (See attached to this response in the APPENDIX, the full account of what happened, including the inherent 'pressure' placed upon us to accept what was offered or we may not receive anything). The Royal Commission already has a copy of this document.

The application document for the Ex-gratia payments was very impersonal and inadequate to convey what had happened during the time of the abuse and who could we turn to for advice. The support from the Attorney General's Department of SA was not helpful to a person who was still upset and depressed about what had happened 50 years previously. I needed to be guided through this arduous task.

About 2 years after I received the \$10,000 Ex-gratia compensation, I found out from one of my brothers that another brother of mine had applied under a different process and received \$50,000 compensation even though he lived in the same [REDACTED] during the time I was there. I have spoken to him and he verbally agrees, knowing what had happened to me in the [REDACTED], that I, and my now wife Patricia, should have both received the maximum of \$50,000 compensation. Here lies the inequity of these schemes. Different schemes should not provide inequitable compensation for the same abuses (even though mine was definitely greater as my brothers would attest to).

## **SUMMARY POINTS**

1. 'Redress' Schemes need to be consistent and equitable in their administration, processes and guidelines.
2. That if someone has already received 'Redress', and it has been seen to be unjust or inequitable, that there be a 'top up' amount given to them along with an apology.

3. That a support process and 'helps guide' be made available for those seeking "redress' or compensation to guide them through the application system.
4. That 'confidentiality clauses' be legally revoked.
5. That compensation is legally able to be re-opened.
6. That government departments ensure that children are kept safe, compensated and supported through 'Redress' if abuse happens.
7. That 'Redress' scheme info be advertised publicly, and more readily available to those who have been through abuses as covered in the Royal Commission Guidelines.
8. That 'Redress' compensation for those that have been abused be a minimum of \$100,000, whether it is sexual or physical in nature.
9. That State and Federal governments be fair and reasonable in financial compensation or 'Redress' due to the long-term mental, emotional or physical implications on those who have been abused.

# **APPENDIX**

Letter to Leonie Sheedy (CLAN), Mr Rau (Attorney General of SA) and the Royal Commission.

Jeff & Patricia Curnow

[REDACTED]

[REDACTED]

[REDACTED]

17/07/2013

Attention: Leonie Sheedy

Co-Founder CLAN

463 Chapel Road

Bankstown

N.S.W. 2200

Dear Leonie,

It has been a long time since I have made contact with you due to being focused on doctors, specialists and many hospital appointments in preparation for double hip-replacement operation. The operation has already been cancelled twice and I am finding it a challenge to get through each day due to excessive pain.

When I spoke with you last, you suggested that I write to you about the gross inequity of compensation received through the South Australia Redress system between my older brother of 12 months who suffered significantly less abuse in the [REDACTED] than me or Patricia did (Patricia was fostered into the

██████████ at 7 and I was fostered at 7 and coerced to be adopted at 12 years old).

My older brother sought compensation at least 12 months after Patricia and I and he received \$50,000 while Patricia and I only received \$10,000 each. My brother's representative to a panel was Matthew De Gregorio who I had spoken to at a CLAN meeting at the Adelaide University in 2009 I think (please correct me if the date is wrong as I am depending on my memory), where he explained the Class Action proposal. He wasn't that confident of the Class Action's possible success and advised that we 'go it alone' to the Attorney-General's Department Crown Solicitor's Office and see how it goes and to accept whatever they were willing to give us as compensation. He mentioned that it was possible that we could receive anything from \$0 to the maximum of \$50,000.

Both Patricia and I are confused as to why the obvious discrepancy of compensation. I have spoken to my brother ██████████ and he is willing to put his name against anything that would support Patricia and I in seeking answers to this discrepancy. He is even willing to testify against the legal system and go to the media as he knows that it is unjust towards our application for suitable compensation knowing the level of abuse that he suffered in the ██████████ as compared to Patricia and I.

Patricia and I contacted the Attorney-General's Department Crown Solicitor's Office in early 2010 after attending the CLAN Meeting in the Adelaide University the year before. We were sent application forms for Ex-gratia payment which we filled in and took to our appointed lawyer in Maroochydore Mr Neil Stubbins Barrister at Law. The guidelines for filling in these forms were inadequate. We didn't know where to turn for help. We were in a 'bad mental/emotional' state at the time. It was only later that we realised that we could have gone to CLAN but we weren't in the right 'headspace' at the time.

When we met with Neil I explained about the Adelaide University Meeting and that I had spoken to Matthew De Gregorio from Duncan Basheer Hannon who had given me particular advice. Neil wanted his contact details so that he could call him and discuss the situation re compensation etc. I gave Matthew's

contact details to Neil and we made a follow up appointment with Neil after he had made contact with Matthew.

Intermediately, we had received confirmation from the Attorney-General's Department Crown Solicitor's Office that we were being offered \$10,000 compensation each. We were not happy as we believe that because of the severity of the abuse to Patricia and I, that we should have received the maximum of \$50,000 each.

When we returned to meet Neil at a subsequent appointment before we accepted the proposal of \$10,000 compensation each, we discussed with Neil our concerns. Neil explained that in his discussions with Matthew De Gregorio that he (Matthew) was advising Neil to advise us to take whatever we are given or we may end up with nothing. That is to say, that Matthew was advising us to sign off against the proposal to accept the \$10,000 each.

We were disgusted with this outcome as we believed that we were entitled to more and we believed at the time that the Attorney-General's Department Crown Solicitor's Office were being 'tight fisted' over the compensation so not to set a precedent of higher amounts of compensation.

After discussing it further with our solicitor Neil, he felt that we had no choice but to accept the \$10,000 each offer. Neil didn't seem to believe that if we said no to the offer and waited to see what the future held, that we would ever be offered anything. We felt that we had no other possibilities up our sleeve but to accept the offer of \$10,000 compensation each and sign off against it. This meant that even if the rules did change, that we couldn't do anything about re-applying. Our hands were tied!

BUT, about 10 months ago, one of my younger brothers [REDACTED] overheard my older brother [REDACTED] say that he had received \$50,000 compensation from a panel because of abuse while living in the [REDACTED]. I was nothing short of shocked. Apparently things had progressed and the possibilities for compensation had changed.

Apparently, a panel had been set up, and clients could engage lawyers at the expense of the Government of SA, and these lawyers could have their client's

story of abuse told at the panel and subsequent compensation given. My brother had engaged Matthew De Gregorio as his legal representative before the panel and used the argument that the Government of SA 'had placed him (█) in an unsafe environment' and because of the abuse that took place, that they (SA Government) were negligent.

My brother knows that the abuse that he suffered was primarily physical, verbal and emotional in nature and on an infrequent basis. I don't know whether he suffered any sexual abuse as I haven't spoken to █ about that.

The abuse that I sustained was physical, verbal, emotional and sexual on a frequent basis with 5 years of my life as █ (abuser-perpetrator) bed-mate where he performed sexual acts on me as well as forced me to touch him sexually and if I didn't, he would beat me. The difference in the severity and frequency of abuse between my brother █ and I were 'chasms apart' and yet the authorities have decided to compensate disproportionately. I just don't understand!

The same lawyer (Matthew De Gregorio) who I spoke to at the CLAN Meeting at the Adelaide University, represented █ and yet gave conflicting advice on both occasions. I don't understand how a professional of his standing couldn't make the connection that █ and I █ could be related. Did he know that █, his client, was the brother of Jeff (me) who had spoken to him about possibilities for compensation less than 2 years previously. He should have advised me to wait and not go ahead with the application as he knew that if we had, it would be final. His advice should have been more informed and responsible. My lawyer was dependent on Matthew's professional advice. Because Matthew made the wrong choice for us, then Patricia and I feel that he is eternally accountable to set it right.

I believe that a new precedent has been set. It is unjust and unfair that because the rules/guidelines have changed, that Patricia and I should be legally and financially discriminated against. Patricia and I have been abused again by a system that has failed us and as citizens of this nation we want to see justice

and are willing to fight for it no matter what it takes. We don't have any money to fight, but is there any other way?

Yours Sincerely,

Jeff & Patricia Curnow