



DE LA SALLE ANZPPNG
Draft Paper – Secondary Victims

Background and Draft Position Statement – Secondary victims

Background

The issue of secondary victims of abuse has been raised in a number of contexts and is the subject of emerging and developing research. Some examples of these are provided below.

<http://www.aic.gov.au/publications/current%20series/tandi/481-500/tandi500.html>

<https://aifs.gov.au/publications/ripple-effects-sexual-assault/secondary-victims-sexual-assault>

In the context of the Royal Commission, the issue of secondary victims has been the subject of focus including specific reference made in the 2015 Final Report into Redress and Civil Litigation below.

<http://www.childabuseroyalcommission.gov.au/getattachment/743dbe01-eb40-4ecb-8b82-29fcf00b8f43/Final-report-Redress-and-civil-litigation>

The Royal Commission has flagged that the needs of secondary victims will be addressed in a separate report on ‘support services’.

In its Redress and Civil Litigation Report the Royal Commission has made a clear distinction in respect of the provision of redress to the primary victims of abuse and the needs of secondary victims of that abuse.

1. *We have focused primarily on providing redress for survivors themselves rather than for their families or broader communities that might also be affected by the abuse. We acknowledge the needs of ‘secondary victims’ of institutional child sexual abuse. These secondary victims include family members of victims who are now deceased, in some cases as a result of suicide. These needs will also be considered further through our separate work on support services. (131)*
2. *We do not recommend that a redress scheme should provide redress to anyone who is not themselves a survivor of institutional child sexual abuse – Section 11.2; and*
3. *We are satisfied that an applicant must be alive in order to apply for and receive redress – 11.2*

In the public domain the issue of secondary victims was highlighted in the undertaking by the Anglican Archbishop of Brisbane after giving evidence in Case Study 34 in November 2015.

At that time the Archbishop gave an undertaking to commit the Anglican Diocese of Brisbane to refund school fees of any student at any Diocesan school who had been the victim of abuse.

Since that commitment was publicly made there has been no articulation formally of how this program would be implemented including:

- Eligibility, who is entitled, is the refund available to relatives if parents/guardians are deceased, etc.
- Determination of refunds including questions of interest, quantum,
- Determination of abuse – test of evidence, information required to support claim
- Limitation – does the refund extend to other forms such as bullying, discrimination, harassment etc
- Impact on previous payments – are refunds part of an overall compensation payment or standalone? Are they part of redress or completely distinct?
- Impact of refunds in respect of other claims and setting precedents – eg would this extend to other circumstances such as a child being bullied, not performing well after leaving school etc.

The commitment by the Anglican Diocese and the publicity it has attracted has resulted in similar claims being received by other institutions from both primary and secondary victims.

There is no evidence that any other institution has replicated the Anglican Diocese of Brisbane model on an institution-wide basis to date.

Position Statement

The following points have been developed to provide the basis of a response to enquiries on this issue. They are for further discussion and refinement.

- *The De La Salle Brothers Australia is committed to addressing the effects and consequences of past abuse committed at our institutions*
- *Our work is built on the same response recommended by the Royal Commission in its report in 2015 on Redress and Civil Litigation, namely personal apology, provision of counselling and monetary compensation.*
- *Our priority, again reflecting the recommendations of the Royal Commission, is to the primary victims of abuse recognising that there may also be others who are affected by past abuse and may require support, but are not the primary victims of abuse.*
- *The Royal Commission has indicated that it will be looking at the needs of this group in a separate work undertaken on support services.*
- *The De La Salle Brothers will consider any recommendations by the Royal Commission in this regard.*
- *The position of the De La Salle Brothers in respect of secondary victims is to follow a case-by-case approach in which individual circumstances are considered.*
- *Requests we receive will be carefully assessed and responded to, reflecting the unique circumstances of each case and the needs of those involved.*
- *This will occur alongside our ongoing response to the primary victims who were abused at our facilities, in line with the approach recommended by the Royal Commission.*