

**Submission from the members of the Ballarat Centre Against Sexual Assault
(CASA) men's support group**

Issues Paper 6 – Redress Schemes

Introduction

The Ballarat Centre Against Sexual Assault (CASA) facilitate a fortnightly support group, made up of men who have experienced childhood sexual abuse. One of the group members experienced sibling sexual abuse, the rest of the men experienced sexual abuse as children in the following institutions:

St Alipius Christian Brothers School
St Patricks Christian Brothers Primary School
St Patricks Christian Brothers Secondary College
St Josephs Christian Brothers Orphanage
St Augustine's Christian Brothers Orphanage
De La Saalle College
Queen Street Primary School
Geelong Grammar
Warragul Technical College

The following responses reflect the views of the men in the group regarding the redress issues. They have provided their consent for this to be submitted.

1. The advantages and disadvantages of redress schemes

The general view from the group is what a redress scheme would mean; “that you would not have to fight on your own”. They also felt that a redress scheme would be an advantage as it has the ability to provide a consistent and fairer response for those seeking compensation. The various experiences within the group has showed that in the

past the ad hoc responses – in particular with inconsistencies with legal costs (some lawyers have significantly large fees, others much less). A scheme that was established should provide a simple entry point and a clear process that applicants can be guided through and a uniform response to the claims, where the costs are also kept uniform.

2. What is important for making redress schemes effective?

The consistent view was that simplification of the process is the way for the schemes to be more effective. This breaks down when beurocracy can provide confusion and difficulties. Many of the survivors of childhood abuse have had their schooling limited, due to the impact of trauma. Reading and comprehension is often challenging and therefore schemes with a lot of paper work and instructions can be confronting. A support worker in place could ameliorate this and assist to reduce the associated anxiety. Most importantly it needs to be placed away from religious organizations and government organizations as many of these men experience a great mistrust of authority. Making a scheme difficult to understand and access with too much “red tape” will inevitably make it less effective.

3 What forms of redress should be offered?

Many of the men in the group aged in their mid fifties are now experiencing an increase in the health effects from the abuse. Often this is because they have used illicit substances and alcohol and have had self harming behaviours and risk taking behaviours as well as a general neglect of their health in response to the abuse. Schemes for redress need to incorporate a means to address these health issues, such as funding for physiotherapy, dieticians and general wellbeing services, which should not be means tested, or affected by a partner’s income. Most importantly it needs to be something that can assist men to feel dignified and supported. Counselling needs to be funded – on an ongoing, not short term basis. This can be achieved through having choices, to access private counsellors or greater funding for sexual assault services, supporting these clients.

The men in the group felt in a situation where all former residents of an institution may be affected, the applications and response need to still be on an individual basis. Sharing compensation was felt to be problematic as not all people wish to take this path, many may have died. So it needs to still be on an individual basis.

4. Regarding a national redress scheme.

The group were adamant that the schemes also need to cover government institutions and in that example, the relevant government department need to take responsibility. In the case of religious institutions or non government organizations, the responsibility therefore needs to be born by the governing body (ie the responsibility for the funding). This needs to be retrospective and in the future be part of the agreement to run such an organization.

5. Should the decision making be independent of the institution? External oversight?

The response to this question was a consistent yes, the decision making and also the process needs to be independent of the institution. The experience of organizational responses such as Towards Healing has shown over time that there were significant inconsistencies regarding the amount of payments offered and the responses to each applicant. The group felt that the body overseeing this process needs to be non secular and staff with experience and understanding of trauma. The advisory parties developing any schemes need to be from organizations such as the Victorian Centres Against Sexual Assault (CASA) who have long term experience working with these clients and do not have a vested interest nor gain any profit from being involved.

6. Should it be optional or compulsory for institutions?

Yes it should be mandatory for institutions to participate in redress schemes if abuse has occurred within the institution. As per the former comments, the establishment of these needs to be external. The discussion also explored experiences in USA where some

institutions were declared bankrupt due to these claims, so it was seen to be important that the schemes carry some form of government guarantee.

7. Should claimants be able to pursue civil claims?

It was felt important that options are kept open, and that people would still have a right to pursue civil claims if they were prepared to, which would therefore mean engaging a lawyer. The statute of limitations for making these claims needs to be lifted, as many or most survivors of childhood abuse do not talk about it until they are much older.

8. How should fairness be determined with differences in assets?

As previously mentioned, a government guarantee would cover institutions that had ceased to operate or were able to show that they did not have the assets to cover the claims. Part of this would be the ability for government to demand the sale of assets held by institutions if required.

9. The claims awarded by courts?

It was difficult to answer this as the group was not aware of how this is calculated. It was felt affordability should not be part of the decision making process, rather a fair amount established for child abuse survivors as part of the developing of these processes, taking into account the long term health impacts, unstable employment, lack of funds for retirements such as superannuation and relationship breakups that many of these survivors experience throughout their lives. It was also felt that Medicare payments and Centrelink payments should not have to repaid upon any redress payouts, as all of the men's preference would have been to have been actively employed throughout their lives.

10. What level of proof should there be?

It was felt that proof should be provided via reports and supporting documents from experienced counsellors. Many past experiences where people were questioned, such as Towards Healing, created difficulties and some give up in those circumstances.

11. Supports available?

Counselling for abuse survivors should not be limited, as trauma therapy is generally long term. Legal advice should be available if requested.

12. If past compensation received should that be taken into account?

Many of the survivors have had some past compensation; discussions show that the amounts have been insignificant for many whilst others received significantly more. Generally the response to this was no, as in the context of the lifetime of suffering abuse survivors experience, it still does not ever compensate them for the losses and especially the lost opportunities.

The men in the support group have provided consent for their comments to be submitted to the Royal Commission.

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