

Submission

To Royal Commission into Institutional Responses to Child Sexual Abuse
From South Eastern Centre Against Sexual Assault and Family Violence (SECASA)
Subject Consultation Paper Redress and Civil Litigation

SECASA

SECASA is a member of the Victorian CASA Forum which is the peak body of the fifteen Centres Against Sexual Assault (CASA). It is also a member of the National Association of Services Against Sexual Violence (NASASV). CASAs work to ensure that women, children and men who are victim/survivors of sexual assault have access to comprehensive and timely support and intervention to address their needs.

Many of their clients are adults and children who have been sexually assault by members of religious and secular institutions.

CASAs also work towards the elimination of sexual violence through community and professional education, informing government policy, advocating for law reform and facilitating research to increase community understanding of the nature and incidence of sexual assault.

I should like to state up front that I believe the CASA system, strengthened in some states and territories with gaps filled, is best placed to provide counselling and psychological care and also facilitate direct personal responses. In Victoria there is no question that the CASA system is well organised and provides a wide range of services. There is no reason why this system cannot be duplicated in other places. The expertise of the CASAs is with victim/survivors of sexual assault, their families and significant others. CASAs network with other organisation that offer specific input such as Tzedek for the orthodox community in Melbourne and groups that work with indigenous women, children and men.

I think that this type of counselling and therapy with its often episodic nature over a number of years is best provided in an agency setting rather than by private practitioners. This is partly due to the continuum of care an agency can provide.

Chapter 2 Structural Issues

1. A national redress scheme should be established administratively. The Defence Abuse Reparation Scheme and various state schemes appear to work well with an administrative, not legislative, basis.
2. The scheme should be a permanent scheme designed to deal with future institutional child sexual abuse.
3. In May 2013, the Commonwealth Government established the Defence Abuse Reparation Scheme. It is not payment for physical, psychological emotional or financial loss or damage suffered as a result of the abuse. It is a payment intended as an acknowledgement that the abuse was wrong and should not have occurred. One problem with payment for 'Impact of abuse' is that it leaves those less impacted by what might have been very severe abuse at a disadvantage in terms of financial acknowledgement.
4. No pre conditions should be place on applicants, such as time limits on when the abuse occurred or a requirement that offences have been reported to the police.
5. Claims need to be presented in a non-judicial or non-adversarial setting so that it is less emotionally stressful for victims. Moreover, procedures should be flexible so that they meet the specific needs of victims.
6. Compensation should be determined in a transparent manner. Importantly victims should have access to information necessary to make informed decisions on what course of redress they wish to pursue – an apology from an individual or institution, access to counselling/therapy or monetary payments or all three.
7. Victims who wish for an apology should be provided with access to a restorative justice or conference session. A pilot is being set up to run conferencing for victim/survivors of sexual assault with SECASA as the pilot site, the Michael Kirby Centre for Public Health and Human Rights undertaking the evaluation and the Victorian Association for Restorative Justice. The Victorian Association for Restorative Justice will provide training and ongoing support to SECASA.

Chapter 4 Direct personal response

1. An effective direct personal response needs to operate separately to other aspects of a redress scheme.
2. A direct personal response needs to be victim driven. The victim must be the person who asks for a personal response and dictates who they would like to provide the response. It is important that it is a very senior person in an organisation. I understand that the Defence Scheme has had generals attend sessions with victims who requested a senior

representative. If the Defence Force can free up personnel at that level it cannot be too hard for other institutions to do the same even if they have been unwilling to do so in the past.

3. In Victoria conferencing or restorative justice has operated for a considerable period of time. SECASA has provided victims with conferences on request with a variety of people. We have strict criteria about how such sessions are conducted and who attends.
4. The majority of clients SECASA has provided a conference for have not been involved in either criminal or civil litigation but have often applied to the Victims of Crime Administrative Tribunal for compensation. We have found this process to be beneficial for our clients due to the apology they often receive from the Magistrate for what has happened to them. In the same way victims who have attended conferences have often found the acknowledgement of the harm caused to them therapeutic. Interestingly very few of the conferences we run have the actual offender or alleged offender involved.

Chapter 5 Counselling and psychological care

1. The redress scheme should fund gaps in service provision. There is a nation-wide service system for victims of sexual assault. Gaps should be addressed by additional funding. There are regional and rural differences which explain why certain services have developed in a specific manner. Services, even nation-wide systems, develop in response to local conditions.
2. A separate scheme for survivors of child sexual abuse in an institutional setting is fraught with difficulty. Setting up a specific scheme for survivors of child sexual abuse in an institutional setting creates two classes of victims. Those abused by family or strangers during their childhood. It creates a false dichotomy.
3. Counselling and therapy need to be provided along with advocacy. Many survivors find it too difficult to discuss their abuse but require assistance with housing, relationships and parenting. It is more appropriate to deal with all these issues under one umbrella than to provide counselling/therapy, case management and other assistance separately. CASAs deal with all these issues in the therapeutic relationship.
4. If the Medicare

Chapter 6 Monetary Payments

1. It has been our experience at SECASA that VOCAT payments have been extremely therapeutic for many of our clients. Also the special circumstances whereby they can be awarded a holiday, removal expenses and a range of other items has been of great value. It has made clients feel that the State recognises the hurt they have suffered and that someone in authority understands what they need to recover.
2. As I noted before I think the payment should be for what happened not the psychological damage as it penalises children who have been resilient for whatever reason. The Defence

Abuse Reparation Scheme makes a payment on the grounds that the sexual assault should not have happened and was wrong.

3. Loss of opportunity should be factored in as many victims did not cope with school due to their circumstances and then were not able to secure well paid employment leading to on-going financial difficulties.
4. Payment should be \$80 000. This would allow people to deal with debts, medical bills, establish themselves in comfortable accommodation or move if that is what they need to do. The only difficulty with this amount is that it again creates two classes of victim/survivors with those sexually abused in an institutional setting receiving more money than those abused by family members or strangers. However, I think that the total amount should be increased in Victoria as it has sat at \$60 000 for a number of years.
5. Previous redress amounts should be deducted from the payment in the interest of fairness.
6. The option for payments by instalments would be useful for many survivors who find managing money difficult..

Chapter 7 Redress Scheme Processes

1. No fixed closing date. Often survivors do not hear about a process until it is well in train. When applications have dwindled to a negligible amount notice should be given that the scheme will close in twelve months.
2. The process should be as simple as possible.
3. Statutory declarations would be an appropriate way to get victims to verify their accounts.
4. The standard of proof should be on the balance of probabilities.

Chapter 8 Funding redress

1. The Government should fund the redress scheme. I suggest that they take away the tax exempt status from the religious institutions which would provide additional income. Another solution would be to levy a tax on all institutions with an income over a certain amount which would leave the small institutions still able to function.

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