To The Royal Commissioners

I am writing as an ex-ward of the state of South Australia and wish to comment on the injustice of the compensation process post the Children in State Care Commission of Inquiry.

1. What are the advantages and disadvantages of redress schemes as a means of providing redress or compensation to those who suffer child sexual abuse in institutional contexts, particularly in comparison to claims for damages made in civil litigation systems?

a. Under the ex gratia system, with a maximum payout of $50,000, I personally would have been eligible for a maximum payout of $2000. The further back in time you went the less you got, pro rata.

This was spun by State politicians as a maximum payout of $50,000. (See attached media release)

b. I remember a meeting at the law school where it was decided we would have a class action suit. That went no-where because the state would not participate.

c. Then I decided to pursue civil litigation while suffering post-traumatic stress triggered by the late Mr Mulligans reports. I had no confidence in this procedure and in the end felt totally betrayed by the state again.

2. (a) What features are important for making redress schemes effective for claimants and institutions? (b) What features make redress schemes less effective or more difficult for claimants and institutions?

2a. Taking authority from the State

b. Narrowing the abuse to just sexual as torture was involved as well. As the Children in State Care Commission of Inquiry- the Mulligan Inquiry report details “children in state care were exposed to degrading, cruel and unusual punishments and treatments by “carers” acting in an official capacity. Such treatment included being inflicted electric shocks, severe and excessive corporal punishment and being forced to assume stress position for long amounts of time. United Nations Convention against Torture which Australia is a signatory defines torture as any act which severe suffering whether physical or mental, is intentionally inflicted on a person for such purposes as to obtain information or a confession, for the purpose of intimidating or coercing a person for any reason based on discrimination of any kind, or when such pain and suffering is inflicted at the instigation or with consent or acquiescence of a public official or other person acting in an official capacity. I would like the Royal Commission to consider the impacts of torture along with Sexual abuse in consideration of their findings and in relation to what and how redress schemes will address both issues.
3. (a) What forms of redress should be offered through redress schemes? (b) Should there be group benefits available to, say, all former residents of a residential institution where abuse was widespread? What should be the balance between individual and group redress?

a. There should be benefits to those in institutions where abuse was widespread.

b. Everyone should be entitled to a reasonable redress

4. (a) What are the advantages and disadvantages of establishing a national redress scheme covering all institutions in relation to child sexual abuse claims? (b) If there was such a scheme, should government institutions (including state and territory institutions) be part of that scheme? How and by whom should such a scheme be funded?

a. There should be a national redress scheme.

b. It should be run by the Federal Government and paid for by the State and church-based organisations.

5. (a) If institutions have established internal redress schemes, should all or any part of the decision-making of the scheme be independent of the institution? (b) Should the schemes be subject to any external oversight? If so, what?

a. Decision making should be taken from institutions.

b. Yes National oversight.

6. Should establishing or participating in redress schemes be optional or mandatory for institutions?

Mandatory

7. (a) Should seeking redress or compensation through a redress scheme be optional for claimants? (b) Should claimants retain the ability to pursue civil litigation if they wish?

a. Yes

b. Yes

8. How should fairness be determined in redress schemes when some institutions have more assets than others? How should fairness and consistency between survivors be achieved in these circumstances? What should be the position if the institution has ceased to operate and has no clear successor institution?
I believe if you were a ward of the state the state is solely responsible as in the U.N. Convention of the child, and U.N. committee against torture.

The states have bought great shame on the nation. It is up to the Federal government to rectify.

9. What are the advantages and disadvantages of offering compensation through a redress scheme which is calculated on the same basis that damages are awarded by courts in civil litigation systems? Should affordability for institutions be taken into account? If so, how?

The disadvantage is that it is so hard to prove anything because of F.O.I laws and having the resources to match the state in Civil litigation.

10. Given that the sexual abuse of children mostly occurs where there are no witnesses, what level of verification or proof should be required under a redress scheme to establish that a claimant has been sexually abused? How should institutions be involved in verifying or contesting claims for compensation?

With F.O.I laws etc. it is very hard to even prove you were a ward of the state. They should verify things faster and not play hardball.

11. What sort of support should be available for claimants when participating in a redress scheme? Should counselling and legal advice be provided by any redress scheme? If so, should there be any limits on such services?

Counselling and legal support should be provided.

12. If a claimant has already received some financial compensation for the abuse through one or more existing schemes or other processes, should the financial compensation already received be taken into account in any new scheme?

Yes