

## Issues Paper Submission

### STATUTORY VICTIMS OF CRIME COMPENSATION SCHEMES

[REDACTED]

I was sexually abused [REDACTED]. It took me 20 years to be able to speak about what had happened. In 2008 I began a six month long process of making a police statement.

As a result of that the police were able to arrest and charge four of the eleven men I mentioned above. Of those four three are now in prison for terms of 30, 10 and 9 years. The fourth perpetrator is soon to go to trial [REDACTED]

At the time I also submitted nine compensation claims with Victims Services under the old legislation. Six of those claims have resulted in compensation being paid while the other three not receiving any due to ongoing civil action.

Since then I have submitted a further two claims which I delayed submitting with the rationale that I didn't want to tip off the perpetrators in those cases that they were being investigated.

So I was left with five outstanding claims, however the potential for compensation was been drastically reduced as a result of changes to the legislation which reduced the maximum amount of compensation \$10,000 from the previous \$50,000 per offender.

Due to financial hardship I have been put in a position where I have had to sign off on three of the five claims. The last two I will have to sign off soon, again due to financial concerns.

I have tried to fight against the decision to reduce compensation levels. Victims Services have advised they cannot assist. I have also contacted my local member who has approached the AGs department who have responded that they cannot overrule new law. I have also sought independent legal advice to challenge the legislation and the advice was that it would require high court challenge, an undertaking that I cannot finance.

The legislation change is a clear disadvantage to victims of child sexual abuse and shouldn't have changed. The argument I have heard is that the changes are justified because it is now better for the victims because it is a faster process. While it is true that the processing of claims in my situation has reduced from around two years to just a couple of months, in my opinion the timeframe for the process isn't as important as the outcome being both more predictable and ultimately fair.

The change to compensation payout maximums was simply a money saving exercise. The attempted justification about timeframes was an afterthought and serves to highlight that the legislation passed without consultation with the community and in particular victims of crime.

Adequate levels of compensation are extremely important for victims of child sexual abuse because victims and their families have a better chance of getting their lives back in order. There is significant personal and financial sacrifice that one needs to go through in order to be able to make statements with the police, contribute to enquiries or even by keeping it to yourself and doing nothing.

In my case the worst thing that I had ever done is speak out about it. It has affected my marriage and my relationship with children. I believe that speaking out also contributed to the death of my mother due to stress.

The financial aspect of compensation is important but in order to make statutory victims of crime compensation schemes effective for claimants the process needs to be more personalised. The average person on the street is going to struggle to make a claim because the process can be difficult to navigate and can also result in re-traumatisation if not handled properly. Schemes should always incorporate support to go through the process.

In terms of current elements of statutory victims of crime compensation schemes:

- There should be no time limit because it generally takes 20-30 years for men to even disclose.
- There should be no compensation caps because everyone has different circumstances and the compensation should be determined on the offence and the subsequent effect.
- The level of compensation should not be reflective of timeframes, otherwise it is set up to suit the offender because the more traumatised a victim the longer they may wait to disclose.
- You shouldn't have to report to the police but obviously you would need to make a report to someone.
- Repayment of compensation to institutions in the event of subsequent civil action should not occur. If someone receives compensation, the payee seeks to get the money from the same person that is then sued, the institution is able to double dip.

There needs to be more variable and personalised forms of redress offered through statutory victims of crime compensation schemes. For example homelessness support, there are better ways to do things that need to be explored. There need to be more people involved on the front line or on the street. The disconnection between bureaucracy and the real world is improving but there are barriers due to policy and other operational demands of big institutions.

Additional or different compensation services aren't necessarily required, but generally compensation needs to be more related to the effect that it has on the person regardless of the crime. Personal circumstances in terms of lost opportunity such as a larger capacity to earn money means more of an impact to the victim and this should be taken into consideration.

Verification or proof required under statutory victims of crime compensation schemes are generally appropriate. Mine was quite easy I just submitted my police statement. However giving the police statement was emotionally difficult. Generally the burden of proof is not too onerous as long as people have support, however if they don't have assistance then it is quite difficult.

In my situation because of my abuse when I was eleven I started playing golf instead of team sports as a coping mechanism. I was able to get to a high level because of my efforts. In the end I gave the game away, it deteriorated because in golf there are phrases that are used on the course such as if you want to compliment someone on their short game you might say that "he has the touch of a paedophile".

I was attempting to do something positive in my life but that attempt to cope became a source of re-traumatisation and another lost opportunity. The ways in which victims of child sexual abuses' lives are effected can be varied and difficult to understand. Compensation and redress for victims needs to address that complexity, the effect of the abuse on individuals will vary greatly, generic policy doesn't adequately deal with this issue.