

Senate Submission

COMMONWEALTH REDRESS SCHEME FOR INSTITUTIONAL CHILD
ABUSE BILL 2017

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Submission may be published.

22nd January 2018

Background:

My name is Joan Katherine Isaacs. I reside in the state of Queensland. I provided evidence as a survivor of child sex abuse to the Child Abuse Royal Commission in Case Study 4. I have also documented my journey in my book, *To Prey and to Silence* and have been heavily involved in media advocacy for the victims and survivors.

Throughout the course of the Royal Commission's five years, I attended several Public Hearings including those held in Brisbane, Rockhampton, Sydney and Melbourne. I listened to the devastating and harrowing accounts of other survivors many of whom I personally spoke to and provided with comfort and support.

Preamble:

The proposed Bill follows recommendations made by the Child Abuse Royal Commission in relation to the redress scheme.

The maximum payment suggested by the Commission falls well short of what many victims deserve. Victims of child sex abuse in institutions were denied education, lost educational opportunities which would give them economic success and independence, were permanently damaged physically, sexually, psychologically and spiritually for life.

Civil laws adopted by our governments seriously impeded legal redress. While many institutions were given favourable treatment in terms of taxation, laws such as statutes of limitation, being unable to sue Trust Funds and other measures worked against victims and survivors. They were unable to pursue justice in the courts and just recompense for the criminal acts perpetrated against them.

That said, my submission focuses directly on what the Royal Commission has recommended and how Parliament ought to address these recommendations.

THIS SUBMISSION:

This submission focuses primarily on the Redress scheme where the maximum payment put forward in the Bill is \$150,000. My submission closes with a few other significant points related to survivors and the Bill.

THE MAXIMUM FIGURE:

- Recommendation 19 of the Royal Commission in relation to redress states:

The appropriate level of monetary payments under redress should be

1. A minimum payment of \$10,000

2. A maximum payment of \$200,000
3. An average payment of \$65,000.¹

- Given that this is the Royal Commission's recommendation to Parliament, these are the figures that Parliament should discuss.
- The Royal Commission has arrived at these figures after much consultation and thorough research, including actuarial modelling.
- Should the Parliament decide to lower the payment, survivors and the public need to know why and this should be debated in the Parliament.
- The public and survivors need to know the arguments put forward and know which of the elected members do **not** support the Royal Commission's recommendation.
- Should the cap be lowered to \$150,000, this will have a flow-on impact on the lowest payments and the average payments.
- The Prime Minister and the Leader of the Opposition have personally assured survivors that everything that can be done will be done. In one instance the phrase used was "because we love these people."²
- While the Royal Commission recommended a cap of \$200,000, this Bill to make the cap \$150,000, markedly mirrors the cap set by the Catholic Church's Truth, Justice and Healing Council.³ It also mirrors the current cap set in November 2016 for The Melbourne Response.⁴
- The Melbourne response proved an anathema for victims. It would feel like a betrayal to survivors if our Government adopted similar parameters to the Melbourne response and the submission put forward by the Catholic Church's Truth, Justice and Healing Council.
- The submission of the Catholic Church contrasts markedly with the submission of the Uniting Church as set out in Commission documents:

On the basis that any entitlements under a redress scheme will take into account any payments already made to the survivor, and that all parties relevant to the claim will be assessed at the same time, the Uniting Church supports a range of payments to a maximum payment of \$200,000. This range signals to claimants and the wider community acknowledgment of the seriousness of child sexual abuse.⁵

¹ Royal Commission into Institutional Responses to Child Sex Abuse, Redress and Civil Litigation Report, pg. 24.

² Ten Eyewitness News, Child sex abuse commission chair delivers final address, 14th December 2017

³ Royal Commission into Institutional Responses to Child Sex Abuse, Redress and Civil Litigation Report, pg.251

⁴ THE AGE (Victoria), 'Catholic Church doubles sex abuse compensation but suppresses independent report' 19th November 2016.

⁵ Royal Commission into Institutional Responses to Child Sex Abuse, Redress and Civil Litigation Report, pg.251

- There is a basic misconception in the community that the tax payer will fund the redress scheme. The Parliament needs to emphasize that the Royal Commission has recommended that those institutions capable of funding awards against crimes in their institutions will be responsible to pay.

OTHER ASPECTS:

- It is imperative that other funding outside of redress is made available for counselling support for survivors. At present, Medicare allocates 10 counselling sessions per year. For survivors, this means that once these ten sessions are used for the year that they cannot access support until the following year. At times it is necessary for survivors to have intensive treatment and for many, it will be life-long.
- It is imperative that survivors who have been involved in criminal activities and gone to jail ***not be discriminated against by withholding entitled redress***. Many of those whose lives and trust have been destroyed at an early age, had no strategies to cope with what had happened to them or life in general. That should not preclude them from receiving the best justice that this nation can offer.

IN CONCLUSION:

The final hearing of the Royal Commission occurred on Thursday, 14 December, 2017. Following that hearing the Prime Minister, Malcolm Turnbull told the assembled media:

“We love them (victims and survivors) ...everyone can rest assured that the love we owe to our children and the justice that we owe to the children that have been wronged will be the guiding principle as we work through the Commission (recommendations)...”⁶

My submission requests the members of parliament to act in this manner- to maximise ***and not diminish*** support for survivors.

This Bill is a test case. It is the first Bill to come before the House in relation to the Royal Commission’s recommendations. These recommendations refer to cultures in institutions whose first priority was to protect the assets and the institutional reputations, to the detriment of the children in their care.

To reduce the recommended redress cap, and subsequently all other related payments, our legislators will adopt the same stance as those who deservedly received the condemnation of the Child Abuse Royal Commission.

Survivors are owed the support of this nation and the parliament.

⁶ Ten Eyewitness News, Child sex abuse commission chair delivers final address, 14th December 2017.