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To Committee Secretary
Of Senate Legal and Constitutional Committee
P O box 6100
Parliament House
Canberra ACT 2600

22 May 2010



SUBMISSION RE: COMPENSATION ISSUES

IN CHILDREN'S HOMES I WAS ASSAULTED, with the loose, thick leg of a chair, abused and tortured, then again abused working as an adult. This submission is written from grass roots experience and from several decades of investigation. From my own case and from letters and discussions with others I became aware of anomalies in compensation. A letter to the editor brought in about 40 replies from work injured people. Part of the submissions I made to Federal and State Inquiries into compensation was published in the reports in about 1990's.

First I write about the work injuries situation then about abuse in children's homes.

WORK INJURY COMPENSATION UNFAIRLY WITHHELD . I was bullied and harassed at work including sexual and this triggered, and aggravated effects from abuse in children's homes. Many, many years of this and shocks and pain from dangerous hot chemical fumes at work caused my suicide attempt. But when I asked for my deserved workers compensation because of the work aggravation - instead of deserved compensation, I felt the full force of endemic systemic anomalies: the lack of rigor by the system, negligence and abuse of power:

PROCEDURE NOT APPLIED: As documents reveal the workers compensation office never applied the required procedures to my case. Procedures and safeguards that if applied would have ensured the Workers Compensation Office (W C O) obtained all the work evidence correctly - that it failed to obtain. As a result of the said omission of Procedure by the W C O, the decision to reject my case was not on the correct and true evidence but on what evidence was wrong or missing. And evidence was ignored, not adverted to, withheld or wrongly denied.

The W C O's second mistake was to use the fact I was weakened as a reason to withhold compensation. The second unfair mistake of the W C O resulted in me being labelled - on basis of evidence the W C O failed its duty to obtain- as my being too "defective" to compensate. I only obtained this term "defective" indirectly But the W C O should have known compensation is allowed when work conditions cause aggravation of any pre-existing weakness and/or injury. But in any case weakness does not negate anyone's right - to compensation. But the W C O ignored or did not advert to the law of the "Eggshell Skull" precedent. This law exists specifically so that a persons degree of weakness should not be used against them as a reason the withhold compensation. ..

POSITION at present is that it is being claimed by the system that, "*because there*

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have been reviews nothing more needs to be done.” But I maintain that the truth still has to be told.

In respect to the truth needing to be told I refer to the late Professor Leyman who during a conference on professionals bullying held at St Johns College, University of Queensland in the 1990's, told us the following: *“Every where around the world people are starting to stand up against systemic problems. There are two parts to what the system is required to do The first part is to allow the applicant to go down the avenues for redress. The second part is the substantive outcome. People are being allowed to go down the avenues to ask for redress - but are not being given the second part - the substantive outcome.”*

REDRESS FOR ABUSE IN CHILDREN'S HOMES: Now I write about redress and compensation for those abused in children's homes in the 20th century.

COMPENSATION AND REDRESS should I feel be through both the Commonwealth and States for suffering and unlawful assault, torture, and including physical and mental abuse.

SIZE AND VARIATION of amounts needs careful consideration. Some States have offered a degree of compensation, but it does not equate to the amount of damage perpetrated. Queensland only offered up to \$40,000. And it was West Australia, I understand, or another State that first offered up to \$80,000 but then cruelly cut it back to only \$40,000.

I add that when a politician fell from his bike at Parliament house he is quickly granted \$60,000. This was well publicised on television at the time. But the politician only fell from his bike one time, whereas those abused in children's homes were repeatedly assaulted over many years.

PRINCIPLE of what compensation payment should be based on should, I feel, include the following.

It should more fairly include the aspect of the ongoing suffering and effects on lives: Whether or not the applicant was in the children's homes a longer or a shorter period.

Queensland granted \$7,000 to all who were in the children's homes. And up to \$40,000 was granted to those who had some evidence that they were abused in the children's homes - this could be medical evidence of the ongoing effects, with victim impact statement for example. But numbers of those compensated in Queensland felt distress because they were only given up to \$10,000 in respect to the second tier. It did not reflect the amount of their experience of suffering. .

I believe I was offered the lowest amount of only \$6,000. That is all my life is worth to the system.

And I add that as well as other abuses in the “homes,” physical, verbal and psychological, my education was also stopped by the State when I was thirteen and in fifth grade. I was only in the lower grade because the children's home in Sydney also

stopped me from doing my school home work.

When I was still a ward of the State, but with my mother, I was thrilled to now have an opportunity to do all my school work. I wanted to go to university and to be a nurse. From early dawn in the morning, and after school I studied far into the night to catch up. And I went from near bottom of the class to near top of the class in about one year. I felt my dreams would now be realised.

Then the State gave permission for my mother, when I was thirteen, to stop me going to school. But the Act of the time said the State had to ensure we had an education or ensure we had a good job. The State did neither for me. And I had a breakdown from the shock of the loss of my schooling and dreams again. . As a result of lack of education I ended up with to low paying dangerous work that injured me .

STATUS: To be put into the children's homes I was labelled a "*status offender*" because my mother, a widow, was too poor to pay for me in the children's homes - the State paid. I still feel my status is not properly recognised by the State or my country. Yet I worked hard for nearly three decades until injured, and references show I am honest.

BASIS: Therefore I feel the basis for compensation should more fairly include the ongoing effects on the lives of those abused in children's homes and not only the time spent in the homes. For example it seems fair to say that those in the children's homes for most of their lives and abused, should be granted a higher amount than those who were there for a couple of years and abused.

UNFAIR: What seems unfair is that those abused and in the children's homes for a couple of years should only be granted \$6,000 to \$10,000 of whatever the upper amount is, for example \$40,000 or \$80,000 etc when the effects on their lives was just as devastating, and long lasting as those who were in the "homes" for most of their lives. Both sets of applicants suffer 60 or more years from abuse in children's homes. - Therefore it seems fairer that something over half the amount of compensation granted to those in the "homes" for a longer period - should given for those there for a lesser time - but who also suffer similar lifetime effects because of abuse in children's homes .

The records show those effects include insecurity, various addictions, alcohol, sexual, drugs, suicide, problems relating to others and their family, and a life time of ongoing psychological and physical effects. I emphasize that once the abuse occurs the ongoing effects lasts a life time - whether the abuse was for a shorter or longer period - the damage is done.

.For example, I lost the only child I ever had. My mother took him because the doctor said I was too disturbed to have the baby in my care. Abuse I suffered in the children's homes left me at 19 years of age an undeveloped child much younger than 19 years old. More like a seven year old. I was still like child myself and not emotionally equipped to care for my child because of effects of abuse in the children's homes. I regressed to bed wetting and saving newspapers up to the ceiling trying to make up for my loss of education.

I only rarely could see my only child because my mother lived outside of Brisbane.

And my wages were not enough to cover frequent travel.

COMPENSATION REDRESS is important to me because it is an acknowledgement that I did suffer severely all my life from abuse in children's homes - and because it acknowledges I am of some worth. But I feel the amounts offered should reflect better the suffering from abuse in children's homes and the unfortunate long standing effects on their lives. So that whether they marry or not, or work or not, the underlying effects of said abuse remains leaving panic attacks, insecurities and more. .

THE OPPORTUNITY for a national co-ordination for consistency of compensation seems promising. But I would like the points made herein be applied because, I feel, they would ensure a more satisfactory outcome for those who have already suffered more than enough. *THOSE ABUSED IN CHILDREN'S HOMES COURAGEOUSLY SPOKE OUT. AS A RESULT AUSTRALIA IS A MORE COMPASSIONATE, UNDERSTANDING SOCIETY. (M)*

23 May, 2010

(ms) Muriel "Mim" V. Dekker, Founder: Workers Compensation Support for Injured Workers.