

Sonya Irving

30/04/2010

Dear Senate Committee Inquiry,

Re: Review of Government Compensation Payments

Thank you for the opportunity to make my submission to the Senate Committee.

My husband was a former ward of the state of Victoria during the 1960's. He was systematically physically, sexually and emotionally abused whilst the Victorian Government was his legal guardian.

Tragically our current legislation system buffers the Victorian Government and other institutions from liability due to a number of factors:

- Statute of Limitations legislation
- Inability to identify perpetrators due to the crimes being committed so long ago
- Perpetrators may be deceased
- The extreme difficulty of apportioning liability – how can one determine what effect came from what abuse and from what institution? This is totally unreasonable and unrealistic, but the way the current tort system works.
- Inability to access legal assistance to meet the Victorian Governments requirement of dealing with each case on a “one to one basis”.

I can not put into words the devastation this has had on the life of my husband. The impact of the abuse he suffered as a child has had a profound effect on all functioning aspects of his life. There is not one part that has been untouched. He feels he was abandoned by the government as a little child and now as an older adult. He can not understand why the Victorian Government is abusing him all over again by denying him and other former wards access to a fair and just compensation scheme.

I urge this Senate Committee to compel the state governments who have not initiated compensation schemes to do so at once. Former wards of the state are aging and dying as we speak.

I urge this Senate Committee to compel the Victorian Government to make the necessary changes to the relevant laws to enable former wards of the state to:

- not have to apportion liability and;
- not have to worry about statutory time limits and
- not have to relive the horror of the past to prove the abuse. It is well documented that it occurred.

I firmly believe these factors are the principle legal hurdles preventing the majority of legitimate claimants from accessing long overdue compensation.

It would be a national scandal on a magnitude not seen if this kind of abuse were uncovered today. The perpetrators would be prosecuted to the full extent of the law and rightly so. The victims would be adequately financially compensated and emotionally supported. Again rightly so. Why I ask, is it different for former wards? Is it out of mind out of sight? I thought in our democratic country it was equal justice for all. Obviously I am wrong.

I sincerely thank the Senate Committee for its time.

Sonya Irving