



Royal Commission into Institutional Responses to Child Sexual Abuse

ISSUES PAPER 7

Released 29 May 2014

STATUTORY VICTIMS OF CRIME COMPENSATION SCHEMES

ISSUE

The Terms of Reference require the Royal Commission to inquire into what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse in institutional contexts, including in ensuring justice for victims through the provision of redress. 'Redress' means remedy or compensation, and it can include financial compensation, provision of services, recognition and apologies and the like.

All states and territories have established statutory schemes that allow victims of crime to apply for and receive compensation, counselling and other services from a dedicated pool of funds. Generally, these schemes are separate from the redress schemes that some states and territories have established specifically for those who experienced abuse in some institutions, although South Australia implemented its more specific scheme for institutional child sexual abuse under its statutory victims of crime compensation scheme.

The statutory victims of crime compensation schemes are not uniform between states and territories. They differ as to the time within which victims may apply for compensation, the evidence that must accompany an application, the categories and amounts of payments and services that victims may receive, and the processes by which claims are determined.

The Royal Commission now seeks submissions on statutory victims of crime compensation schemes and their effectiveness in delivering redress for those who suffer institutional child sexual abuse.

The Royal Commission has already obtained input about the effectiveness of civil litigation systems in resolving claims for damages against institutions in the civil courts and possible reforms to civil litigation systems through Issues Paper 5. The Royal Commission is also obtaining input about the effectiveness of specific redress schemes for institutional child sexual abuse through Issues Paper 6.

Submissions from those who have been involved in statutory victims of crime compensation schemes, whether as a claimant, scheme operator, service provider, representative of a party or stakeholder or professional organisation, are particularly welcome.

SUBMISSIONS

Submissions are sought from interested individuals and government and non-government organisations on this issue. Of particular interest to the Royal Commission is:

1. What are the advantages and disadvantages of statutory victims of crime compensation schemes as a means of providing redress or compensation to those who suffer child sexual abuse in institutional contexts?
2. What features are important for making statutory victims of crime compensation schemes effective for claimants?
3. Are there elements of statutory victims of crime compensation schemes, as they currently operate, that raise particular difficulties for claims by people who suffer child sexual abuse in institutional contexts? For example:
 - a. some schemes have time limits and discretionary provisions to extend the time limits to make claims;
 - b. all schemes have caps on payments;
 - c. some schemes have lower caps on payments for offences committed earlier in time and one scheme does not apply to offences committed before 1971;
 - d. some schemes require that the act of violence or offence be reported to the police, or require an explanation if not reported to police; and
 - e. most schemes require repayment of victims' compensation if the recipient later receives compensation from another source (e.g. via damages or settlement in civil litigation).
4. What changes should be made to address the elements of statutory victims of crime compensation schemes that raise particular difficulties for claims by people who suffer child sexual abuse in institutional contexts?
5. What forms of redress, including services and payments, should be offered through statutory victims of crime compensation schemes?
6. To what extent, if any, should those who suffer child sexual abuse in institutional contexts be eligible for additional or different compensation and services, compared to victims of other crimes? Why?
7. Are the levels of verification or proof required under statutory victims of crime compensation schemes appropriate for claims by those who suffer child sexual abuse in institutional contexts?

Submissions are welcomed on any aspects of statutory victims of crime schemes as they affect claims for compensation by people who suffer child sexual abuse in institutional contexts.

Submissions will be made public unless the person making the submission requests that it not be made public or the Royal Commission considers it should not be made public. That will usually only occur for reasons associated with fairness.

Submissions should be made by **Monday 30 June 2014**, preferably electronically, to solicitor@childabuseroyalcommission.gov.au, otherwise in writing to GPO Box 5283, Sydney NSW 2001