



**Submission from the
Truth Justice and Healing Council**

**Royal Commission into Institutional Responses to Child Sexual Abuse
Issues Paper No.7 | Statutory Victims of Crime Compensation Schemes**

2 October 2014



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Justice Peter McClellan AM
Chair
Royal Commission into
Institutional Responses to Child Sexual Abuse

Via email: solicitor@childabuseroyalcommission.gov.au

Dear Justice McClellan

As you know, the Truth Justice and Healing Council (the Council) has been appointed by the Catholic Church in Australia to oversee the Church's response to the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission).

We now provide the Council's submission in response to the Royal Commission's Issues Paper 7 – Statutory Victims of Crime Compensation Schemes.

Yours sincerely

Neville Owen
Chair
Truth Justice and Healing Council

2 October 2014



Our Commitment

The leaders of the Catholic Church in Australia recognise and acknowledge the devastating harm caused to people by the crime of child sexual abuse. We take this opportunity to state:

- Sexual abuse of a child by a priest or religious is a crime under Australian law and under canon law.
- Sexual abuse of a child by any Church personnel, whenever it occurred, was then and is now indefensible.
- That such abuse has occurred at all, and the extent to which it has occurred, are facts of which the whole Church in Australia is deeply ashamed.
- The Church fully and unreservedly acknowledges the devastating, deep and ongoing impact of sexual abuse on the lives of the victims and their families.
- The Church acknowledges that many victims were not believed when they should have been.
- The Church is also ashamed to acknowledge that, in some cases, those in positions of authority concealed or covered up what they knew of the facts, moved perpetrators to another place, thereby enabling them to offend again, or failed to report matters to the police when they should have. That behaviour too is indefensible.
- Too often in the past it is clear some Church leaders gave too high a priority to protecting the reputation of the Church, its priests, religious and other personnel, over the protection of children and their families, and over compassion and concern for those who suffered at the hands of Church personnel. That too was and is inexcusable.
- In such ways, Church leaders betrayed the trust of their own people and the expectations of the wider community.
- For all these things the Church is deeply sorry. It apologises to all those who have been harmed and betrayed. It humbly asks for forgiveness.

The leaders of the Catholic Church in Australia commit ourselves to endeavour to repair the wrongs of the past, to listen to and hear victims, to put their needs first, and to do everything we can to ensure a safer future for children.

Authorising Church Bodies

The following Catholic Church bodies have authorised the Truth Justice and Healing Council to represent them at the Royal Commission:

Dioceses

Archdiocese of Adelaide	Diocese of Broome	Diocese of Sandhurst
Archdiocese of Brisbane	Diocese of Bunbury	Diocese of Toowoomba
Archdiocese of Canberra-Goulburn	Diocese of Cairns	Diocese of Townsville
Archdiocese of Hobart	Diocese of Darwin	Diocese of Wagga Wagga
Archdiocese of Melbourne	Diocese of Geraldton	Diocese of Wilcannia-Forbes
Archdiocese of Perth	Diocese of Lismore	Diocese of Wollongong
Archdiocese of Sydney	Diocese of Maitland-Newcastle	Eparchy of Saints Peter & Paul of Melbourne
Diocese of Armidale	Diocese of Parramatta	Military Ordinariate of Australia
Diocese of Ballarat	Diocese of Port Pirie	Personal Ordinariate of Our Lady of the Southern Cross
Diocese of Bathurst	Diocese of Rockhampton	
Diocese of Broken Bay	Diocese of Sale	

Religious Institutes

Adorers of the Blood of Christ	Loreto Sisters	Sisters of Mercy Brisbane
Augustinian Recollect Sisters	Marist Brothers	Sisters of Mercy North Sydney
Augustinian Sisters, Servants of Jesus and Mary	Marist Fathers Australian Province	Sisters of Mercy Parramatta
Australian Ursulines	Marist Sisters – Congregation of Mary	Sisters of Nazareth
Benedictine Community of New Norcia	Ministers of the Infirm (Camillians)	Sisters of Our Lady of Sion
Blessed Sacrament Fathers	Missionaries of God's Love	Sisters of St Joseph
Brigidine Sisters	Missionaries of the Sacred Heart	Sisters of St Joseph of the Apparition
Canons Regular of Premontre (Norbertines)	Missionary Franciscan Sisters of the Immaculate Conception	Sisters of St Joseph of the Sacred Heart
Canossian Daughters of Charity	Missionary Sisters of Mary, Queen of the World	Sisters of St Joseph, Perthville
Capuchin Friars	Missionary Sisters of St Peter Claver	Sisters of St Paul de Chartres
Christian Brothers	Missionary Sisters of Service	Sisters of the Good Samaritan
Cistercian Monks	Missionary Sisters of the Sacred Heart	Sisters of the Good Shepherd
Columban Fathers	Missionary Sisters of the Society of Mary	Sisters of the Holy Family of Nazareth
Congregation of the Mission – Vincentians	Missionary Society of St Paul	Sisters of the Little Company of Mary
Congregation of the Most Holy Redeemer – Redemptorists	Oblates of Mary Immaculate	Sisters of the Resurrection
Congregation of the Passion – Passionists	Order of Brothers of the Most Blessed Virgin Mary of Mount Carmel (Carmelites)	Society of African Missions
Congregation of the Sisters of Our Lady Help of Christians	Order of Friars Minor Conventual	Society of Catholic Apostolate
Daughters of Charity	Order of Saint Augustine	Society of Jesus
Daughters of Mary Help of Christians	Order of the Friar Servants of Mary (Servite Friars)	Society of St Paul
Daughters of Our Lady of the Sacred Heart	Our Lady of the Missions	Society of the Divine Word Australian Province
De La Salle Brothers	Patrician Brothers	Society of the Sacred Heart
Discalced Carmelite Friars	Pious Society of St Charles – Scalabrinians	Sylvestrine-Benedictine Monks
Dominican Friars	Poor Clare Colettines	Ursuline Missionaries of the Sacred Heart
Dominican Sisters of Eastern Australia & The Solomons	Presentation Sisters – Lismore	
Dominican Sisters of North Adelaide	Presentation Sisters – Queensland Congregation	Other Entities
Dominican Sisters of Western Australia	Presentation Sisters – Tasmania	Australian Catholic Bishops Conference
Faithful Companions of Jesus	Presentation Sisters – Victoria	Catholic Religious Australia
Family Care Sisters	Presentation Sisters – Wagga Wagga Congregation	Catholic Church Insurance Limited
Franciscan Friars	Presentation Sisters – Western Australia	National Committee for Professional Standards
Franciscan Missionaries of Mary	Religious of the Cenacle	Professional Standards Office Tasmania
Franciscan Missionaries of the Divine Motherhood	Salesians of Don Bosco	Professional Standards Office NSW/ACT
Franciscans of the Immaculate	Salvatorian Fathers	Professional Standards Office NT
Holy Cross – Congregation of Dominican Sisters	Secular Institute of the Schoenstatt Sisters of Mary	Professional Standards Office Qld
Holy Spirit Missionary Sisters	Servants of the Blessed Sacrament	Good Samaritan Education & Lourdes Hill College
Hospitaller Order of St John of God	Sisters of Charity of Australia	Good Samaritan Education & Mater Dei
Institute of Sisters of Mercy Australia & Papua New Guinea	Sisters of Jesus Good Shepherd "Pastorelle"	Good Samaritan Education & St Mary Star of the Sea College



The Truth Justice and Healing Council

The Catholic Church in Australia (the Church) welcomes the establishment of the Royal Commission into Institutional Responses to Child Sexual Abuse as an opportunity to acknowledge the truth about child sexual abuse within the Church, and to have these issues investigated and considered, objectively and publicly. It is an opportunity to bear witness to the suffering of the many victims of this abuse.

The Church is committed to cooperating fully with the Royal Commission, without reservation or qualification.

In February 2013 the Australian Catholic Bishops Conference (ACBC) and Catholic Religious Australia (CRA)¹ jointly established the Truth Justice and Healing Council (the Council) to coordinate and oversee the Church's overall response to and appearance at hearings of the Royal Commission.

The Council is a body of 12 people, with expertise spanning such fields as child sexual abuse, trauma, mental illness, suicide, psycho-sexual disorders, education, public administration, law and governance. The majority of Council members are lay, two of its members are bishops, and one of its members is a Brigidine sister. Three of the Council members are either themselves victims of abuse or have immediate family members who are victims. The Council provides independent advice to the ACBC and CRA, through a Supervisory Group, which is comprised of the Permanent Committee of the ACBC, and representatives of CRA. The Supervisory Group may accept or reject such advice. The Supervisory Group fully endorses this Submission. The members of the Supervisory Group are listed on the TJHC website [here](#).²

The Council is chaired by the Hon Neville Owen, former judge of the Supreme Court of Western Australia and former HIH Royal Commissioner. Mr Owen's appointment follows the death of the Council's inaugural Chair, the Hon Barry O'Keefe in April 2014.

The other members of the Council are:

- Archbishop Mark Coleridge, Archbishop of Brisbane
- Professor Maria Harries, Adjunct Professor at Curtin University and Research Fellow in Social Work and Social Policy at the University of Western Australia
- Mr Jack Heath, CEO of SANE Australia
- Associate Professor Rosemary Sheehan AM, Department of Social Work, Faculty of Medicine, Nursing and Health Sciences, Monash University
- Hon Greg Crafter AO, former South Australian Minister of Education
- Sr Maree Marsh, former Congregational Leader of the Brigidine Sisters and psychologist with Anti-Slavery Australia at the University of Technology Sydney, Faculty of Law
- Bishop Bill Wright, Bishop of the Diocese of Maitland-Newcastle

¹ CRA is the peak body, previously known as the Australian Conference of Leaders of Religious Institutes, for leaders of religious institutes and societies of apostolic life resident in Australia.

² <http://www.tjhcouncil.org.au/about-us/members-of-supervisory-group.aspx>

- Professor Greg Craven, Vice-Chancellor of the Australian Catholic University
- Ms Elizabeth Proust AO, former Secretary to the Victorian Department of Premier and Cabinet, and Chairman of the Bank of Melbourne and Nestlé Australia and member of other boards
- Mr Stephen Elder, former Member of the Victorian Legislative Assembly and Parliamentary Secretary for Education and currently Executive Director of Catholic Education for the Archdiocese of Melbourne, and
- Dr Marian Sullivan, child and adolescent psychiatrist.

The CEO of the Council, Mr Francis Sullivan, has worked in government and private practice and has held positions as Secretary-General of the Australian Medical Association, Chief Executive of Catholic Health Australia and consultant to the Pontifical Council for the Pastoral Care of Health Care Workers at the Vatican. He is also an Adjunct Professor at the Australian Catholic University.

The Council oversees the Church's engagement with the Royal Commission, including by:

- speaking for the Church in matters related to the Royal Commission and child sexual abuse
- coordinating the Church's legal representation at, and the Church's participation in, the Royal Commission.

The Council's role extends to:

- initiating research into best practice procedures, policies and structures to protect children
- assisting in identifying any systemic institutional failures that have impeded the protection of children
- providing information to the Royal Commission concerning the various procedures, policies and structures that have been successively put in place by Church organisations over the past 25 years to deal with complaints and instances of child sexual abuse and any improvements which might be made to them to provide greater protection for children
- seeking to promote lasting healing for the victims and survivors of abuse.

To date, 31 dioceses and 97 religious institutes (commonly referred to as congregations and orders) have given an authorisation to the ACBC or CRA, authorising those bodies to represent and act for them in the engagement of the Church with the Royal Commission.

The ACBC and CRA have in turn delegated that authority to the Council. The Council therefore seeks to appear at the Royal Commission for all the authorising bodies, and will speak with one voice for all of them.

Pursuant to these arrangements, the Council acts for all archdioceses and dioceses in Australia, with the exception of three of the Eastern Rite Eparchies, and for all the major religious institutes. The Council also acts for a number of other Catholic organisations including Catholic Church Insurance Limited (CCI).

For practical purposes, the Council will ordinarily speak for the whole Church: its dioceses, its religious institutes, its priests and religious, in the Royal Commission.

The Catholic Church in Australia today is an extensive and diverse religious organisation committed to worship, prayer and pastoral care. It is involved in providing pastoral, educational, health, human and social services across Australia.³

Notwithstanding that all the dioceses and religious institutes are autonomous and independent, each from the other, with no one central or controlling authority, and with each free to govern its affairs separately and independently, all are united in their support for the principles stated in the Commitment at the head of this Submission.

Those principles are also fully shared by all the innocent and high-minded priests and religious whose long years of devoted and selfless service have been admirable and who are heartbroken by the revelations of sexual abuse which have emerged in recent decades.

The Council's aim is to do everything in its power to ensure that the Royal Commission has available to it from the Church all the material that it needs for the work it seeks to do, so as to ensure that a light is shone on dark places and times and events, and to ensure that nothing is concealed or covered up in respect of what Church personnel did or failed to do.

The Council seeks to fulfil that role, on behalf of the Church, in a spirit of honesty, openness and genuine humility.

³ See Annexure B, TJHC Submission to Royal Commission Issues Paper No 2: Towards Healing, 30 September 2013 <http://tjhcouncil.org.au/media/39435/30549468_2_TJHC-Towards-Healing-submission-30-Sep-2013.pdf>

Submission

- 1 Issues paper 7 – Statutory Victims of Crime Compensation (SVOCC) Schemes seeks submissions in relation to the effectiveness of SVOCC schemes in delivering redress to victims of child sexual abuse suffered in an institutional context. The issues paper particularly requests input from those who have been involved with SVOCC schemes.
- 2 In preparing this response, the Council has had the benefit of considering submissions made to the Royal Commission in response to the issues paper, as published by the Royal Commission on its website on 23 August 2014.⁴
- 3 The Council submits that SVOCC schemes as they currently operate in Australia do not provide a useful vehicle for the provision of compensation to victims of institutional child sexual abuse.
- 4 The Council has publicly supported the establishment by governments of an independent national redress or compensation scheme funded by all relevant government and non-government institutions, to provide financial reparation to victims of child sexual abuse within institutions in Australia. The Council submits that such a redress or compensation scheme would provide a more satisfactory means for victims to achieve redress.

1.1 Overview of SVOCC schemes

- 5 Separate SVOCC schemes operate in each of the Australian states and territories.⁵ These SVOCC schemes are not uniform, but in broad terms all have been established to provide support for, and assist, victims of crime, their families and sometimes other secondary victims, to recover from injuries and any loss they may have suffered.
- 6 The general philosophy underlying victims' compensation is expressed in the preamble to the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*,⁶ adopted by the United Nations General Assembly in 1985, as a recognition that '*victims of crime and frequently their families, witnesses and others who aid them, are unjustly subjected to loss, damage or injury and that they may, in addition, suffer hardship when assisting in the prosecution of offenders*'.
- 7 As such, SVOCC schemes reflect decisions by legislatures nationally to give statutory recognition to, and try to assist the recovery of, those in the community who are the victims of the criminal actions of others.⁷ SVOCC schemes are funded and administered by governments on behalf of the community, despite the fact that the relevant state or territory is generally not responsible in a legal sense for the crime and resultant loss suffered by the victim. Funding for SVOCC schemes

⁴ <<http://www.childabuseroyalcommission.gov.au/submissions/895/issues-paper-7>>

⁵ A useful summary of the features of each of the existing state and territory SVOCC schemes can be found at Appendix A of the submission to the Royal Commission in response to Issues Paper 7 prepared by Bravehearts: (accessed 27 August 2014) <<http://www.childabuseroyalcommission.gov.au/getattachment/665e5f25-30eb-42ad-bf89-f620e65e7d22/29-Bravehearts>>

⁶ *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, UN GAOR, 40th session, 96th plenary meeting, UN Doc A/RES/40/34 (1985), from ALRC Report 114 (November 2010) *Family Violence – A National Legal Response*, para 4.108 p182

⁷ See for example *Victims of Crime Assistance Act 1996* (Vic) s 1, *Victims of Crime Assistance Act 2006* (NT) s 3, *Victims of Crime Assistance Act 2009* (Qld) s 3(2); *Victims of Crime Act 2001* (SA) s 3(c)

is generally drawn from consolidated revenue. In some states, those convicted of relevant offences also contribute to SVOCC schemes via recovery, payment of levies, or restitution.⁸

- 8 In some states and territories, the operation of SVOCC legislation has been broadened, to include for example a charter of victims' rights, which provides a statement of the basic information and support that victims are entitled to receive as they navigate the criminal justice system during the process of prosecution of the offender.
- 9 SVOCC schemes operate in the broad context of injury and loss suffered by victims as a result of many different serious and violent crimes, including murder, assault and robbery, rape and sexual abuse offences. As such, they are general in their operation and have not been specifically designed around the particular needs of victims of child sexual abuse.

1.2 Issues for victims associated with SVOCC schemes

- 10 There is no national consistency in SVOCC schemes. Qualification, time limits, caps on amounts of financial compensation and other support available vary from state to state. Further, as monetary awards are met by the government, there is not usually any relationship between the victim and the state or territory making payment of the award.
- 11 There are differences amongst the schemes as to who will qualify to make a claim and as to the entitlements that apply. It is clear that SVOCC schemes nationally are not designed to compensate victims to the level to which they might be entitled if they sued at common law or were otherwise compensated (via, for example, an institutional redress or reparation scheme). Caps apply.⁹ Broadly, amounts of available compensation are so low that they are, at a practical level, incapable of providing anything other than an acknowledgement of the damage the victim has suffered. SVOCC schemes may require victims to exhaust all other available avenues for recovery before they will have any entitlement, or may require repayment if other compensation or benefits are received.¹⁰
- 12 SVOCC schemes do however offer monetary awards and support to victims of crime who in many cases might otherwise not receive money or support, because liability for the harm cannot be established or the perpetrator has no means of satisfying an order for damages. They are designed to be more informal and quicker than civil litigation (in those cases where a victim may have a civil remedy). Receipt of an award is effectively guaranteed because payments are government funded, so victims are not reliant on offenders having the financial means to pay damages or restitution.

1.3 Issues for institutional victims associated with SVOCC schemes

- 13 The Royal Commission's Issues Paper specifically seeks input in relation to the effectiveness of SVOCC schemes in providing redress to victims of child sexual abuse in institutional contexts.

⁸ See for example *Victims Rights and Support Act 2013* (NSW) s58, *Victims of Crime Assistance Act 2009* (Qld) s109, *Victims of Crime (Financial Assistance) Act 1983* (ACT) ss54-59

⁹ Currently, caps operating in relation to total amounts that may be awarded to primary victims under SVOCC schemes in Australia range from \$30,000 (victims of one offence in Tasmania) to \$75,000 (WA and Qld). The South Australian Government has recently released the *Victims of Crime (Compensation) Amendment Bill 2014* for discussion. If passed, maximum compensation under the SA SVOCC scheme will increase from \$50,000 to \$100,000 (accessed 29 August 2014) <<http://www.agd.sa.gov.au/initiatives/victims-crime-compensation>>

¹⁰ Victims must repay SVOCC awards from the proceeds of civil proceedings and in the majority of states where a victim is eligible for workers compensation a claim cannot also be made under SVOCC.

- 14 SVOCC schemes presently operate in each state and territory. They provide an independent mechanism for assessment, determination and payment of financial compensation to victims of particular crimes. They are intended to be more accessible and reliable in terms of outcome for victims than civil litigation. They are designed to include simplified application processes, a much reduced need for legal assistance, simplified claims processing, simplified methods for proof of injury and loss, the provision of counselling, payment of financial compensation for injury and loss and provision of support mechanisms for victims as they engage with the claims and, in some cases, with the criminal prosecution processes related to their abuse.
- 15 However, SVOCC schemes have disadvantages, particularly as a mechanism for compensating for child sexual abuse. The disadvantages include:
- (a) *Consistency*: There is a lack of national consistency in approach, administrative systems and amounts of financial compensation available
 - (b) *Time limits*: Requirements for timely reporting of the relevant crime to police are inflexible¹¹ and (although there is discretion to extend) application time limits¹² operate as a barrier to victims of child sexual abuse accessing the schemes
 - (c) *Approach to psychological / psychiatric injuries*: Requirements for victims to be assessed by a government appointed clinician operate as a barrier for victims suffering psychological / psychiatric injury, and may exacerbate the trauma and suffering of victims of child sexual abuse
 - (d) *Low levels of financial compensation*: Financial compensation for pain and suffering and loss of income is capped at low amounts and, in the case of loss of income, calculated on losses over only a short period following injury (if it is available at all). Further, a recent trend by government towards reducing the amount of compensation available to all victims of crime, including lowering the upper limit for serious physical and psychiatric injuries, is of concern¹³
 - (e) *Linking compensation to the offence rather than the harm suffered*: Linking available compensation to the seriousness of the offence committed against the victim, rather than to the harm suffered by the victim is the wrong approach to take to victims of institutional child sexual abuse
 - (f) *Delay*: Despite the best of intentions of those administering SVOCC schemes, the application process can be onerous and the time taken for a determination to be made can be lengthy, and
 - (g) *Lack of ongoing support*: SVOCC schemes are not open-ended: they do not provide any ongoing entitlement to support such as counselling. Rather, future need is intended to be reflected in the financial compensation awarded.
- 16 For these reasons, as currently structured, SVOCC schemes do not provide optimal assistance and redress to victims of child sexual abuse.

¹¹ For example, current SVOCC schemes in Queensland, Victoria and the ACT, which require the relevant crime to be reported to the police within a reasonable period or provide that assistance should be refused if the relevant crime has not been reported to the police.

¹² There is discretion to extend, but there is a 2 or 3 year time limit for applications in all states and territories except in the ACT where an application must be submitted within 12 months.

¹³ Compensation payable under the NSW SVOCC scheme was reduced when new legislation was passed in 2013. Note however the current proposal to increase maximum SVOCC compensation in SA from \$50,000 to \$100,000: see n9 above.

1.4 Amendments required for SVOCC schemes to offer a suitable vehicle for providing redress to victims of institutional child sexual abuse

- 17 South Australia currently administers a redress scheme for victims of child sexual and other abuse through its SVOCC scheme¹⁴ and the Victorian Parliamentary Inquiry in its report released in November 2013 recommended that the Victorian scheme be reformed to enable the Victims of Crime Assistance Tribunal in that State to administer a specific scheme for victims of criminal child abuse.¹⁵
- 18 The Council recognises that any restructuring of existing state and territory SVOCC schemes such that they might be used as a starting point for the administration of a harmonised, or consistent, national scheme for victims of institutional child sexual abuse would involve significant, uniform changes at the policy and legislative level by all state and territory governments. It would also require a commitment by governments to fund and staff the administration of the schemes at higher levels. The Council considers that the likelihood of this occurring is remote. Further, the Council considers that such an approach would not be consistent with institutions taking responsibility where possible for the harm suffered by victims of child sexual abuse which occurred in their institutions.
- 19 The Council has publicly supported the establishment by governments of an independent national redress or compensation scheme funded by all relevant government and non-government institutions. Depending on the form that such a scheme takes, there may still be a role for SVOCC schemes to provide compensation to victims of institutional child sexual abuse, but in all likelihood this would be in limited circumstances only. Such circumstances might include cases in which the offender cannot be identified, or those in which the institution responsible for the offender is not ascertainable. If, in the recommendations that the Royal Commission makes regarding the form of a redress scheme, there is a role (even a limited one) for SVOCC schemes in compensating victims, the Council submits that the Royal Commission should consider and make recommendations to improve SVOCC outcomes for victims of child sexual abuse. The Council considers that, to achieve this, reforms to the following aspects of existing SVOCC schemes would need to be considered:
- (a) consistency, or harmonisation, in order to ensure similar outcomes for victims of child sexual abuse nationally,¹⁶
 - (b) establishment of simplified and accessible application processes that are flexible and accommodate the special needs of applicants, including making interpreters available and having staff who are cross-culturally trained, and trained to cater for special needs,
 - (c) preparation of information about the SVOCC process which is made readily available in easily understandable formats,
 - (d) compliance with principles of natural justice,
 - (e) consistent standards of proof,
 - (f) timeliness in decision making, including the establishment of clear response times and communication of those response times,

¹⁴ See (accessed 28 August 2014) <<http://www.agd.sa.gov.au/children-state-care-victims-crime-ex-gratia-applications>>

¹⁵ Parliament of Victoria (2013) *Betrayal of Trust* Volume 1, page xlvi (accessed 27 August 2014) <http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/Report/Preliminaries.pdf>

¹⁶ Differences in the criminal law between the states and territories would need to be considered in this regard.

- (g) amounts of financial compensation that reflect the long term impact of child sexual abuse, with caps on that compensation determined by reference to community standards,
 - (h) power to order that financial awards be paid by the institution responsible for the child sexual abuse,
 - (i) capacity for awards to include non-monetary redress such as an apology,
 - (j) the provision of ongoing counselling and medical services, and
 - (k) no limitation periods.
- 20 If these improvements were made, SVOCC schemes could potentially provide a framework for the administration of an independent, national redress scheme in each state or territory, with monetary awards paid to victims of institutional child sexual abuse being met by the relevant responsible institution.
- 21 However, as detailed above, SVOCC schemes are designed to provide support and compensation for victims of a broad range of serious and violent crimes. Issues of equity would arise if certain victims of certain crimes were to be identified for different, or more generous, treatment under SVOCC schemes.
- 22 In considering the operation of SVOCC schemes as a means of delivering redress to victims of child sexual abuse in an institutional context, the following further issues also need to be considered:
- (a) the needs of the cohort of institutional child sexual abuse victims may need to be balanced against those of victims who suffer injury and loss as a result of other criminal acts, and
 - (b) there would be a strong argument that those schemes should also be available to provide redress to a range of other victims of crime. For example:
 - (i) *Victims of child sexual abuse that occurred in non-institutional contexts*: this type of abuse is understood to have occurred, and to be occurring, in Australia at high rates. The fact that the abuse did not occur within an institution should not prevent victims from receiving compensation at a level commensurate with that received by victims of institutional child sexual abuse.
 - (ii) *Victims of non-sexual abuse and other crime*: these victims too should arguably have the right to access redress under SVOCC schemes, whether or not the abuse occurred in an institutional context.
- 23 As noted above, the Council has publicly supported the establishment by governments of an independent national redress or compensation scheme to provide financial reparation to victims of child sexual abuse within institutions in Australia. The Council considers that any scheme for victims should be independent, generous, and designed and developed in consultation with victims, and should represent best practice in terms of process and outcomes for victims of child sexual abuse. In the context of SVOCC schemes, these principles should apply equally to all victims who suffer injury and loss as a result of criminal conduct, whether in an institutional context or otherwise.