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**WE DEMAND
THE NATIONAL
REDRESS
SCHEME BE
COMPLETELY
OVERHAULED**

”

We held a Rally in Melbourne on Sunday 31 March 2019 to change the National Redress Scheme. Australian Governments, the Catholic Church and other NGOs have brazenly flouted the sound, evidence-based recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse for a National Redress Scheme.

The Rally endorsed this.

“We demand that the current National Redress Scheme be completely overhauled. All the recommendations from the Royal Commission must be implemented.”

Judy Courtin, Clare Linane, Steve Bisinella and Julie Cattlin

Email: jcourtin@netspace.net.au

Phone: 0418 329 049

The Royal Commission's recommendations can be found here:
www.childabuseroyalcommission.gov.au/redress-and-civil-litigation

**REPORT FROM THE PARLIAMENT OF AUSTRALIA'S
JOINT SELECT COMMITTEE**

In April 2019, the Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse produced their report.

The Report can be found here:

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Royal_Commission_into_Institutional_Responses_to_Child_Sexual_Abuse/RoyalCommissionChildAbuse/Report

THE RALLY

THE NATIONAL REDRESS SCHEME IS A DISGRACE!

Australian Governments, the Catholic Church and other NGOs have brazenly flouted the sound, evidence-based recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse for a National Redress Scheme (NRS).

Contrary to the Royal Commission's recommendations, we have an unaccountable, traumatising and profoundly unjust scheme.

The current NRS in many ways reflects the unjust and harmful Catholic Church's internal complaints processes, Towards Healing and The Melbourne Response.

1. THE CAP IS REDUCED from \$200,000 to \$150,000.

2. VICTIMS ARE PENALISED IF THERE IS NO PENETRATION. The maximum a victim could receive is \$50,000. This abuse is not classified as 'particularly severe'.

3. GUIDELINES ARE NOT AVAILABLE TO THE PUBLIC. If an unauthorised person uses or discloses information in the Guidelines, they could be imprisoned for two years.

4. VICTIMS ARE PENALISED FOR ABUSES AT MULTIPLE INSTITUTIONS. One in five victims is abused at more than one institution. In these instances, a victim is entitled to just one payment.

5. NO ACCESS TO EXTERNAL REVIEW.

6. COUNSELLING RECOMMENDATIONS CHANGED. The Royal Commission's recommendation for life-long counselling has been slashed to a maximum of \$5,000 and a minimum of \$1,250.

7. ONLY ONE APPLICATION ALLOWED. If the victim does not accept the offer, they are unable to apply again.

8. IMMIGRATION DETENTION. Children in Immigration Detention Centres are denied access to the NRS.

9. JAIL TERMS. People who have been jailed for five or more years are severely penalised.

Examples

A child was sexually assaulted regularly by a priest for four years. This abuse did not include penetration. The maximum compensation is \$40,000 to \$50,000.

A child at a boarding school lies awake and is in terror because he observed a priest raping a boy in the bed next to him. This occurred most nights for one year. It severely impacted his life. The maximum compensation is \$20,000.

The NRS insists that years of sex crimes, without penetration, against a child can never be 'so egregious, long-term and disabling ... as to be particularly severe'¹.

¹ National Redress Scheme Assessment Framework 2018

**LET'S
MAKE
IT FAIR
AND
JUST!**

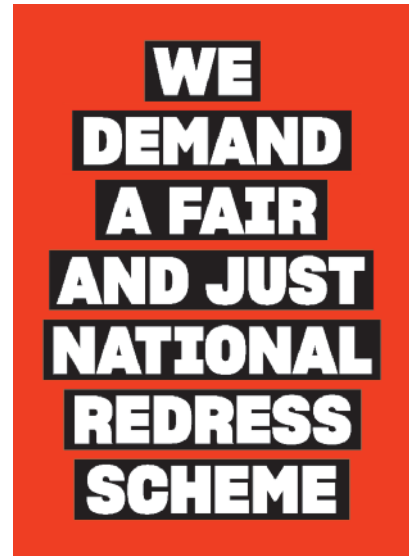
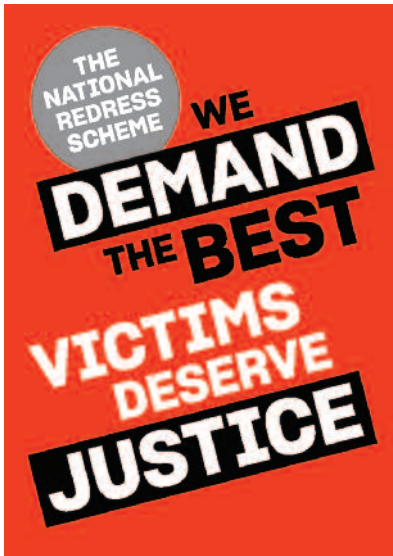
**RALLY FOR CHANGE
SUNDAY 31 MARCH**

**WE DEMAND THE BEST.
VICTIMS DESERVE JUSTICE**

**11.30am
Parliament
House
Spring Street
Melbourne**

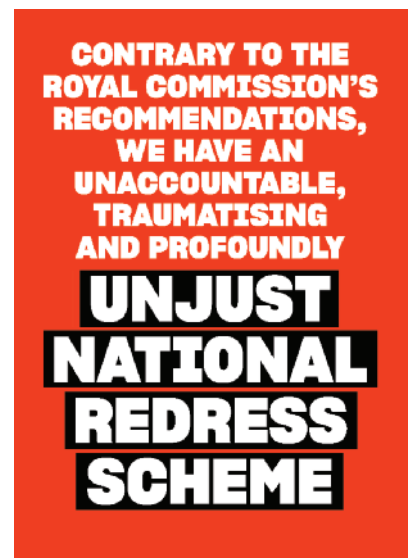
1. FLYER

We produced a flyer (similar to above) which was emailed to more than 1,500 people, the media and organisations.



2. POSTERS

We produced 200 A3 posters for the Rally.



4. 'WE DEMAND' SIGNS

We produced eleven different signs which were attached to small gates with ribbons attached to symbolise the 'Loud Fence' movement – Federal Government, New South Wales Government, Victorian Government, South Australian Government, Western Australian Government, Tasmanian Government, Queensland Government, Australian Capital Territory, Northern Territory, Religious institutions and non-government organisations.



**THE
NATIONAL
REDRESS
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IS A
DISGRACE**

**MAKE IT FAIR
AND JUST!**

**WE DEMAND THE BEST
VICTIMS DESERVE
JUSTICE**

4. LARGE BANNER 2,000 x 600mm

**THE NATIONAL
REDRESS SCHEME IS
REPREHENSIBLE!**

Australian Governments, the Catholic Church and other NGOs have brazenly flouted the sound, evidence-based recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse for a National Redress Scheme.

Contrary to the Royal Commission's recommendations, we have an unaccountable, traumatising and profoundly unjust scheme.

The current National Redress Scheme in many ways reflects the unjust and harmful Catholic Church's internal complaints processes, Towards Healing and The Melbourne Response.

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One in five victims is abused at more than one institution. In these instances, a victim is entitled to just one payment.

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Children in Immigration Detention Centres are denied access to the NRS.

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WE DEMAND
that the current National Redress Scheme be completely overhauled. All the Royal Commission's recommendations must be implemented.

WHAT YOU CAN DO

Contact the leaders of the Australian Governments. Tell them that the National Address Scheme must be changed. The Royal Commission's recommendations have not been implemented. Instead we have an unaccountable, traumatising and profoundly unjust scheme.

Prime Minister: www.pm.gov.au/contact-your-pm and fill out the form
NSW: www.nsw.gov.au/contact-us/contact-the-premier and fill out the form
QLD: Email: dpc@premiers.qld.gov.au
SA: Email: premier@sa.gov.au
VIC: Email: daniel.andrews@parliament.vic.gov.au
TAS: Email: will.hodgman@dpac.tas.gov.au
WA: Email: wa-government@dpc.wa.gov.au
ACT: Email: barr@act.gov.au
NT: Email: chief.minister@nt.gov.au

THE TIMES THEY ARE A-CHANGIN'

With apologies to Bob Dylan

Come gather round people
Wherever you roam
And admit that the waters
Around you have grown
And accept it that soon
You'll be drenched to the bone.
Your time to you
Is worth savin'
Then you better start swimmin'
Or you'll sink like a stone
For the times they are a-changin'.

Come writers and critics
Who prophesize with your pen
And keep your eyes wide
The chance won't come again
And don't speak too soon
For the wheel's still in spin
And there's no tellin' who
That it's namin'.
For the loser now
Will be later to win
For the times they are a-changin'.

Come ministers and premiers
Please heed the call
Don't stand in the doorway
Don't block up the hall
For he that gets hurt
Will be he who has stalled
There's a battle outside
And it is ragin'.
It'll soon shake your windows
And rattle your walls
For the times they are a-changin'.

Come bishops and clergy
Throughout the land
And don't criticise
What you can't understand
Our sons and our daughters
Are beyond your command
Your old road is
Rapidly agin'.
Please get out of the new one
If you can't lend your hand
For the times they are a-changin'.

The line it is drawn
The curse it is cast
The slow one now
Will later be fast
As the present now
Will later be past
The order is
Rapidly fadin'.
And the first one now
Will later be last
For the times they are a-changin'.

YOU TOO ME TOO

Words and music by Justin Brady

Something was taken away from us
We got to claim it back
A breach of trust
On all of us
That's just the fact

You Too, Me too,
Where do we go to?
Change the Redress Scheme

A delayed reaction
That had no traction
You know the theme.
Don't treat us like fools,
You know the rules,
Change the Redress Scheme.

You too, Me too,
Where do we go to?
Change the Redress Scheme.

Silence no longer,
Unaccountable trauma.
Change the Redress Scheme.

The Royal Commission,
Was not for nothing,
Yes, we gotta do
Something,
Change the Redress Scheme.
Change the Redress Scheme.
You too, Me too,
Where do we go to?
Change the Redress Scheme.

Singers:
*Brooke Taylor,
Matt Breen, Delsinski,
Lucy D.*
Mandolin, harmonica,
bass harmonica:
Justin Brady
Sound engineer:
*Robyn Payne,
AdAudio*

Authorised by Judy Courtin, PO Box 283, Balaclava 3183

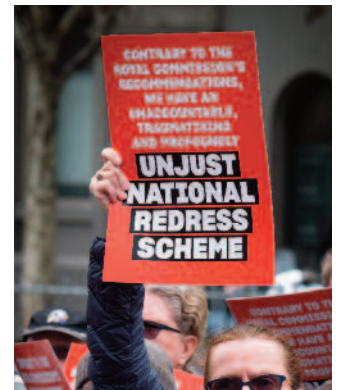
5. FLYER 2,000 printed and handed out at the rally.

6. A SONG COMPOSED ESPECIALLY FOR THE RALLY

"Me Too, You Too" was written by Melbourne musician and songwriter, Justin Brady. It was performed on the day by three singers and instrumentalists.

7. SPEECHES

There were three speakers at the Rally. Left to right:
Dr Judy Courtin,
Clare Linane, and
Steve Bisinella.





Speech by Dr Judy Courtin

Thank you all so much for coming today. Your commitment lets our governments know that we will not lie down and be trodden on any more. We will be standing tall and steadfast until we get the reforms that are needed for justice.

I'm not going to speak for long today. Our message and our demands are simple and clear.

I stood on these steps of our parliament in December 2011 calling for an inquiry into the institutional sexual and other abuse of children. We were very loud that day and, along with survivors, their families and many other advocates, we were successful in getting the first ever state-led independent inquiry into institutional responses to child sex crimes in Australia. We stand on that success.

The rest is history of course. We then had our five-year royal commission from which have flowed multiple legal reforms, such that, slowly, we are seeing a shift in the power base from the powerful, wealthy and untouchable institutions (and their leaders) to the grassroots. To the people.

But our job isn't over just yet. We are being tested once again. And that's OK because we will not be moved. (Thank you Pete Seeger). We are standing up and we are fighting for what is right and what is just.

Australian Governments, the Catholic Church and other NGOs have brazenly flouted the sound, evidence-based recommendations of the Royal Commission for a National Redress Scheme.

The current National Redress Scheme in many ways reflects the unjust and harmful Catholic Church's internal complaints processes, Towards Healing and The Melbourne Response, and other institutions' internal redress schemes.

We have some clear questions for our governments.

Why was a cap of \$200,000 reduced to \$150,000? We are told that state and territory governments were handed a fait-accompli by the federal government, that the cap for the scheme was \$150K. We want to know why this was the case, the procedures used and the stakeholders involved in making that decision.

Who was responsible for and what was the rationale behind what is the most unintelligent, antiquated and traumatising assessment framework that is at the centre of this scheme? The antithesis of the Commission's recommendations, we have an assessment framework dictated purely by a hierarchy of abuse. It dismisses the severity of impacts on a survivor.

What this assessment framework is saying that unless a child was penetrated, it is not possible for child sex crimes to be 'particularly severe' or 'egregious, long-term and disabling' for the victim.

There are three levels of abuse. Level 1: Children who suffered penetrative abuse are the only survivors who can apply for the maximum payment of \$150,000. Even in these cases, the amount reduces significantly to \$100,000 unless there were additional 'extreme circumstances'.

Level 2: Children whose abuse was 'only' contact abuse, that is, no penetration, can receive a maximum payment of

\$50,000; and Level 3, Children who suffered 'exposure abuse' which does not involve physical contact, can only ever receive a maximum redress payment of \$20,000.

Consider this: A child in an orphanage was sexually, psychologically and physically assaulted by a priest about weekly for five years. This victim attempted suicide several times, suffered alcohol and drug abuse, could not study or work and could not form trusting or intimate relationships. Because the priest did not 'penetrate' this child, the maximum amount he could apply for under this scheme would be \$50,000.

Victims are penalised for abuses at multiple institutions. One in five victims is abused at more than one institution. In these instances, a victim is entitled to just one payment. What this really means is that wealthy institutions are having to pay even less for their role in the child sex crimes. This is a money-saving exercise.

Why were the Royal Commission's recommendations for funding for counselling for a life time and as needed, not implemented? Suicide looms large for victims and counselling can provide a lifeline. What we have is an arbitrary, fixed amount based on the hierarchy of the abuse. The maximum number of sessions a victim could receive would be about 25 and, if there was no penetration, as little as four sessions.

The Royal Commission also recommended that counselling be extended to family members of survivors, if that treatment would assist the health of the survivor. The current scheme defies this evidenced-based logic. Clare Linane will talk about this shortly.

A person is only able to apply once to the scheme. If you do not accept their offer, that's it. You're done. Forever. Please explain?

There is no access to external review. That is, there is no external independent body that can assess your complaint. You have no choices other than to accept what is offered.

Children who are sexually assaulted in Immigration Detention Centres are denied access to the NRS.

People who have been jailed for five or more years are severely penalised. Evidence shows that many victims of childhood sexual trauma 'go off the rails', and they do so as a direct result of the sex crimes and the institutional cover up and concealment.

Guidelines and policies that are used by the decision-makers are not available to the public. If an unauthorised person uses or discloses information in the Guidelines, they could be imprisoned for two years. Further, we do not even know who these decision-makers are.

Examples:

John: Age 72; was a state ward and suffered 10 years of hideous physical sexual and psychological abuse. His health now is debilitating and worsening; John was going to speak to you today, but his failing health will not allow. John, like thousands of others, does not have the luxury of time to wait any longer. Thank you so much John for considering speaking today – your courage is amazing.

Rosemary: Was a state ward and she applied to the NRS in July 2018. Because there are four institutions and one has not come on board or opted in, her application is stagnant. She has just returned home for hospital after surviving two heart attacks. Her health remains critical.

Edward: Was sexually assaulted as a child. He is deaf. He lodged his application to the NRS when he was 66 years old. He is now 67 years old and nearly nine months later he still does not know the status of his claim. In every one of his dozens of emails to the NRS, he asks them to reply by email as he is deaf. Recently he was advised to call a 1800 number to follow up on his nine-month wait without any communication.

As much as this Scheme must be overhauled, it is critical to know and be aware that the Scheme was designed for those who otherwise would not have had a viable claim in the courts and/or those who don't want to go through a legal process.

It is now possible to sue institutions although the legislation varies from state to state. So, anyone considering the Scheme must first obtain independent legal advice to determine the status of their claim. Knowmore Legal Service, first established with the Royal Commission, is an independent legal service and can provide such initial advice.

The NRS is not necessarily the only choice – not by any means. Of course the institutions will want you to go through this Scheme because it saves them an inordinate amount of money.

The other critical issue also relating to the NRS is that many, many thousands of people over the past 25-plus years returned to the offending institution and accepted inadequate payments and signed away their future legal rights with what is called a deed of release. A 'take it or leave it' ultimatum. These people are now stuck without equal access to the courts, as institutions are standing firmly by the legal enforceability of these deeds.

Queensland and Western Australia have addressed these discriminatory deeds by introducing legislation which provides a court with the power and discretion to set aside these deeds if it is 'fair and reasonable to do so'.

Today we call on our state government and all other state and territory governments to follow suit and enact similar legislation.

We all, you all, fought so hard for our Victorian inquiry and our royal commission.

Enough is enough. We want to send a very clear and very loud message to the architects of this hideous scheme and to the legislators: Act now so that proper justice can be delivered. Honour the recommendations from the Victorian inquiry and the Royal Commission. Honour the courage and tenacity of victims, survivors and their families. Address the intergenerational harm done to families. Do the right thing.

Victoria has valiantly led the way with very effective reforms and we want our government to continue leading by example.

We are not going away. We will be back as often as is necessary until survivors and their families are treated with the respect and the justice they are due.



Speech by Steve Bisinella

This statement is for all the under-compensated survivors, those of us still alive. We are all innocents with life sentences. We will never stop fighting to receive genuine justice. Money grubbing serial offenders such as the Catholic Church must

be held accountable. For this to happen, our State Government and all Australian Governments need to step up.

I was sexually abused nearly 500 times from Grade Five at the age of eight over a 5-6-year period. After I initially made my situation public, another 41 victims and survivors came forward. In 1992 the paedophile was jailed and I ultimately embarked on civil class action against the Christian Brothers.

The personal cost of being abused over a 5-6-year period is hard to talk about. My silence bought at the end of a .22 rifle, multiple suicide attempts, drug and alcohol addiction, hundreds of self-mutilations, a myriad of deliberate overdoses, two failed marriages, five different psych diagnoses including numerous hospitalisations in mental health care facilities, a hermit lifestyle where I have been, and am incapable of and seek literally no friends.

Like other survivors, every area of my life has been impacted. My marriage, my family, my education. There has been unemployment, drug and alcohol abuse, self-harming and suicide attempts.

I have also experienced routine re-abuse from the Christian Brothers. They have never acted in good faith – they fight tooth and nail. They stonewall. I was one of 32 people in a civil action and, three to four years after we had commenced, we had got nowhere. Tragically, several members of the class action committed suicide directly due to the stonewalling.

Their initial offer to me in my first action was \$5,000.

My case, like so many survivors, has been professionally calculated at \$1 million plus.

After gruelling negotiations and legal fees, I ended up with \$69K in my pocket and I had to sign away all of my future legal rights to sue with a deed of release.

Recently, the Christian Brothers have insisted they are standing by the legal enforceability of that legal document.

If I were to apply to the redress scheme for a top-up, I would get nothing. My attempt at further compensation was rewarded with an offer of five free counselling sessions after a protracted two-year battle.

The way we are being treated by the institutions and the governments, and the delays, is literally costing lives.

Although I have survived, I have been worn into a hollow shell. Many of us accepted grossly unfair settlements in the past out of sheer exhaustion and as a desperate attempt to end this painful re-abusing process.

The Redress ceiling of \$150,000 is appallingly deficient. That this is even a legislated maximum is a slap in the face to any survivor!

Institutions have consistently demonstrated they are catastrophically incapable of compassion, and highly capable at re-abusing those who entered the private complaints schemes, and now the National Redress Scheme.

No money can bring back my life and the nightmare it has been. It can't turn back time. It can't make my decision on whether to live or not as a daily proposition go away. It can't give me the time back to watch my children grow up and have a family life.

Regardless, this is about overturning the ruthlessly heartless, pecuniary-obsessed band of thieves who drove me into despair, and co-litigants literally into the ground.

My message is also for the 60-thousand-plus survivors of institutional child abuse Australia-wide.

Today's rally is about the national redress scheme being overhauled. We all need to continue fighting for these really urgent changes.

I also want to speak to the many thousands of people who were forced to sign grossly unfair deeds of release in the past and now find themselves, like me, stuck in profound injustice. Our state government must introduce the legislation required for courts to set these unjust deeds aside.

We will continue to fight.



Speech by Clare Linane

Today, I'm here to represent not only survivors of childhood sexual abuse – my husband, my brother, my cousin, my friends – but also to represent secondary victims of that abuse.

Me. My children. My mother.

My mother-in-law. My sister-in-law. All of you.

Please raise your hand if you have been a secondary victim of the catastrophic ripple effect that is created from childhood sexual abuse.

The Redress Scheme must adequately address the needs of survivors *and* their families – this was recognised by the Royal Commission and included in their recommendations.

This tragedy was not caused by us.

It was caused by governments failing in their duty to protect children in their care.

It was caused by religious institutions failing in their duty to protect children in their care.

It was caused by other non-government organisations failing in their duty to protect children in their care.

And yet when survivors are caught in a world of pain, and self-hatred, and internal turmoil, who is it that squats down beside them, reassuring them that we love them, saying to them: "Please don't give up." It is us.

When survivors can't get out of bed, for *years*, because their depression has taken hold; who is it that gets out of bed, and gets the kids to school, and runs the house, and goes to work, and cooks the meals – it is us.

Their partners, parents, grandparents, friends, siblings and the next generation, their children.

When their complex post-traumatic stress disorder makes functioning normally impossible, so getting a job let alone holding one down becomes virtually impossible – who is it that tries to earn enough money to pay the bills and the rent and the school fees and the car registration – it is us.

And survivors, we do this because we love you, and because we know you are working through pain that we can't even fathom, and we will continue to do it. *We will not let you go.*

But to all Federal, State and Territory governments, to all religious and other institutions, I say to you – *You have to help us! Help us. Help survivors.*

We cannot do this alone. It is not *fair* (it is actually causing further trauma) for you to implement a redress scheme that caps counselling at \$5,000, or about 25 sessions.

My husband is so much healthier today than he was 3, 5, 10, 15 years ago.

It has taken more than *three hundred* sessions of counselling to get him to that point. That is about \$60,000. The Royal Commission recommended life-long, as-needed counselling.

It is not *fair* for you to implement a redress scheme that doesn't provide counselling to secondary victims.

It was the sessions in front of a counsellor where I would scream and rant, full of resentment for my beautiful husband and his illness. It was those sessions that kept *me* going, enabled *me* to keep supporting *him*, so that he would stay alive for our children.

So let me say again – survivors did not cause this, and we, secondary victims, *we did not cause this* either.

And yes, to all Australian governments and religious and other institutions, we *will* keep standing by our survivors.

With them, we will bear the burden of the damage created by this catastrophe.

We will keep trying to keep them alive, keep their heads above drowning level, keep trying to mitigate the damage of the ripple effect *your* collective failures have caused.

Please, help us keep our loved ones alive.

Change the Redress Scheme so that all of the Royal Commission's recommendations are implemented.

And now. Time is of the essence.