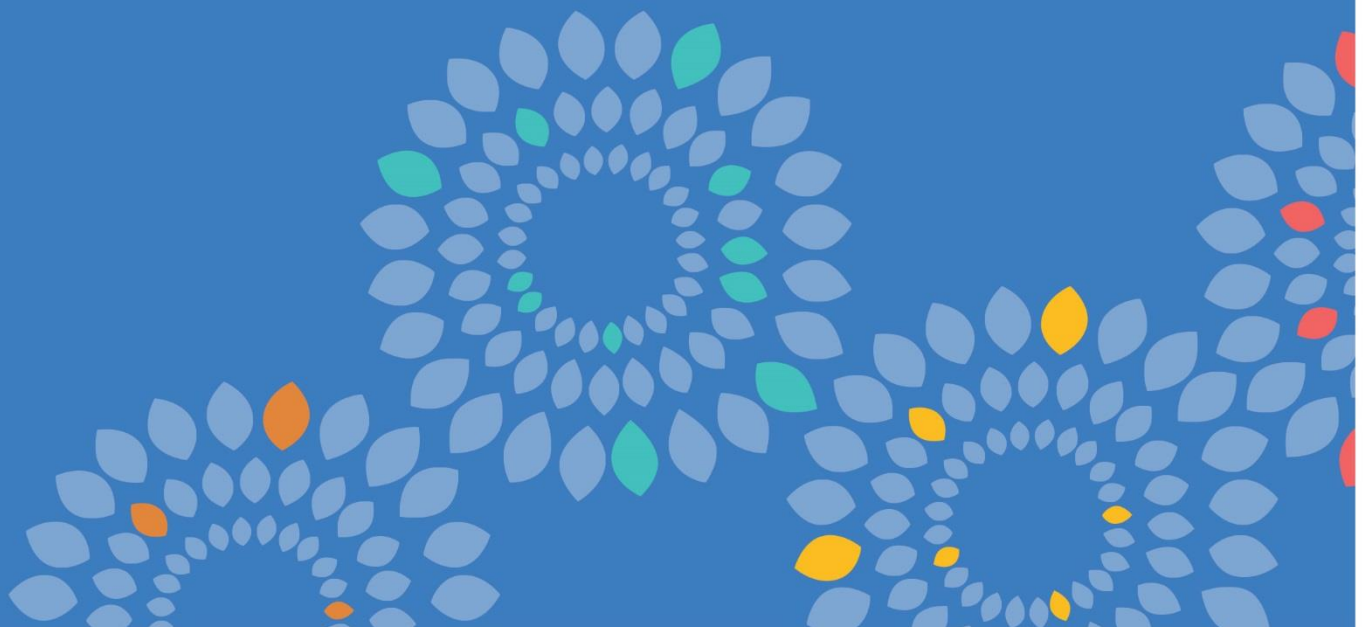


**Submission to the Victorian  
Law Reform Commission:  
Review of the *Victims of Crime  
Assistance Act 1996***

7 November 2017



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## INTRODUCTION

**knowmore** is a free, national legal service established to assist people engaging with or considering engaging with the Royal Commission into Institutional Responses to Child Sexual Abuse (the 'Royal Commission'). Advice is provided through a national telephone service and at face-to-face meetings, including at outreach locations. Our service is multidisciplinary, staffed by solicitors, counsellors, social workers and Aboriginal and Torres Strait Islander Engagement Advisors, and is conducted from offices in Melbourne, Sydney, and Brisbane.

**knowmore** has been established by the National Association of Community Legal Centres, with funding from the Australian Government, represented by the Attorney-General's Department.

**knowmore** was launched in July 2013 and, since that time, we have provided services to over 8,000 individual clients. The majority of our clients are survivors of institutional childhood sexual abuse. 17% of those clients live in Victoria. 23% of our clients identify as Aboriginal and/or Torres Strait Islander and 59% are aged 45 and over.<sup>1</sup>

Many of the clients that we have assisted are seeking legal advice about their options, if any, to obtain financial and other redress in relation to childhood sexual abuse they suffered in an institutional context. Some of our clients have had direct experiences with statutory victims' compensation schemes. As seen from the data outlined in the **attached** infographic, the majority of these clients are aged over 45 years and will therefore fall outside the time limitation period for claims arising from crimes committed against them as children under the *Victims of Crime Assistance Act 1996* (Vic) (the Act).

Statutory compensation schemes form part of the suite of compensatory options potentially available to survivors of institutional child sexual abuse, along with institutional redress schemes and common law/civil claims. However, these statutory schemes are often the least attractive options for survivors because of the very limited financial and other awards that are available and because of the processes involved.

At this time, **knowmore** does not represent clients in ongoing cases relating to actions for compensation, including victims of crime claims, civil claims for damages or claims for redress made directly to an institution. Where a client wishes to seek compensation, we currently advise the client about referral options to seek advice from an experienced personal injury lawyer familiar with the issues arising in cases of claims for institutional abuse. For that purpose, we have established a national panel of experienced private lawyers, who meet specific criteria that reflect their experience with and understanding of the needs of this client group.

Our response to this Consultation Paper is largely based on our submission to the Royal Commission's Issues Paper 7: Statutory Victims of Crime Compensation Schemes. A copy of that submission, together with our related submissions to the Royal Commission's Issues

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<sup>1</sup> **knowmore** Service Snapshot, (Infographic as at 30 September 2017). A copy of this is attached as Appendix 1 to this submission.

Papers 5 (Civil Litigation) and 6 (Redress Schemes), are available on the Policy and Redress tab of the Royal Commission's website: [www.childabuseroyalcommission.gov.au](http://www.childabuseroyalcommission.gov.au)

Our submission is grounded in our work with survivors of child sexual abuse, and on hearing of their collective experiences as to the problems inherent in the current systems, and what they need by way of options for pursuing redress and justice. As such, the views articulated in this submission derive from the collective experiences of those who have survived childhood sexual abuse in institutional contexts. However, many of the comments made below are not solely applicable to claims arising from childhood sexual abuse in institutional contexts, but are highly relevant to all survivors of childhood abuse (sexual, physical, emotional and neglect) and also survivors of adult sexual abuse and other victims of crime.

If the Victorian Government opts into the Commonwealth Redress Scheme (the CRS),<sup>2</sup> many survivors of institutional childhood sexual abuse would have no need to access statutory victims' schemes in future. However, it appears that some survivors may be excluded from making a claim under the CRS,<sup>3</sup> and it is likely that even if the Victorian Government participates in the scheme some non-government institutions will not. Consequently, statutory victims of crime compensation schemes may be the only possible avenue for some of these survivors, unless they can bring a civil claim.

As the Act now stands, the majority of our clients are excluded from obtaining any Special Financial Assistance under the current scheme because of issues such as time limits, the absence of police complaints and criminal convictions.

For these reasons, we recommend reforms to the Act that recognise and accommodate the unique features for survivors of crimes involving child sexual abuse such as:

- delayed complaint-making and non-reporting of complaints;
- difficulty in obtaining historical records;
- their over-representation in the criminal justice, health and child protection systems; and
- issues with police undertaking historical investigations.

We also recommend the establishment of a specialist arm of the Tribunal which deals exclusively with claims involving sexual offences and which consequently operates within a trauma-informed framework.

In preparing this submission, we have also had access to Springvale Monash Legal Service's Joint Submission to the Commission and in some areas, as noted herein, we support and endorse that submission.

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<sup>2</sup> See the Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017 (Cth)

<sup>3</sup> See the comments of the Hon. Christian Porter MP, the Minister for Social Services, made on ABC Radio (AM program) on 25 October 2017, about the apparent exclusion from the CRS of persons who have been convicted of sex offences and/or other serious offences

## CHAPTER 5: ELIGIBILITY FOR ASSISTANCE BY VOCAT

1. How do the victims categories in the Act impact on people applying to VOCAT for financial assistance?
2. Should the victim categories in the Act be amended? If so, what changes should be made to the Act?

The victim categories in the Act presently preclude some child sexual abuse victims from eligibility for financial assistance under the Act. Currently, children who witness sexual abuse are categorised as ‘secondary victims’ rather than ‘primary victims’ under the Act. Notably, this excludes them from entitlement to Special Financial Assistance (‘SFA’) and fails to adequately recognise the devastating impact that witnessing sexual abuse is likely to have on those victims.

Many of **knowmore’s** clients were witnesses to other children being abused within institutional settings. In one such example, **knowmore** assisted a client who witnessed their friend being sexually abused during their time in care at a children’s home. The abuse involved the client’s friend being forced to perform sexual acts on a number of children standing around him in a circle while the staff of the home looked on and laughed. This was highly distressing to the client at the time and he continues to suffer flashbacks and nightmares many decades subsequent to the incident.

**knowmore** assisted another client who was exposed to sexual abuse when he was locked out of a sporting change room by an offender who was sexually abusing the client’s sibling on the other side of the door. The client was and remains traumatised by the experience which has furthermore had a traumatic impact on his entire family.

Witnessing sexual abuse can also lead to feelings of collective shame and fear, as outlined by Frank Golding, Vice President of the Care Leavers Australasia Network, who told the Royal Commission’s final public hearing:

*“A lot of our members talk about living in a state of constant fear that “tonight” would be their turn. A very, very common feeling.”<sup>4</sup>*

In view of the significant trauma that may result to a child who has been present at, witnessed or otherwise been exposed to the sexual abuse of another person, **knowmore** supports an expanded definition of ‘primary victim’ to include children who witness, overhear or are otherwise exposed to sexual abuse.

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<sup>4</sup> Royal Commission, *Case Study 57*, transcript (Day 270) 31 March 2017: see <http://www.childabuseroyalcommission.gov.au/case-study/e341c435-f077-4a98-96eb-8d48779c1d98/case-study-57,-march-2017,-sydney>

3. How does the definition of act of violence in the Act impact on people applying to VOCAT for financial assistance?
4. Should the definition of the 'act of violence' in the Act be amended to include other offences? If so what offences should be included?

The current definition of 'act of violence' in the Act precludes some victims of institutional child sexual abuse from eligibility for financial assistance.

**knowmore** has assisted a number of clients who have been victims of non-contact sexual offences, such as grooming. For example, **knowmore** has assisted a client who was groomed by his high school teacher. The teacher would touch him affectionately, take photographs of him, send him letters, invite him to stay at his house and drive him around. The client was never sexually assaulted by the offender but the abuse has had a significant adverse effect on his life including long-term psychiatric issues, leading to suicide attempts and avoidance of sexual relationships. Under the current definition of 'act of violence' in the Act this client would not be eligible to make a claim for assistance.

As outlined by the Victorian Law Reform Commission in the Consultation Paper, there is some confusion around which sexual offences are included in the definition.<sup>5</sup> However, the Victims of Crime Tribunal ('the Tribunal') is of the clear view that non-contact sexual offences are not covered by the legislation.<sup>6</sup> Currently visual and image based offences are also expressly excluded as acts of violence.

It is of concern that the Tribunal has interpreted some sexual offences as 'non-violent'. The Act should reflect more progressive notions about what constitutes a violent crime and the possible ways in which a person can be victimised, as is now clear from the work of the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations and the Royal Commission into Institutional Responses to Child Sexual Abuse.

**knowmore** supports a revised definition of 'act of violence' that encompasses all statutory and common law sexual offences. This would include recent amendments made under the *Crimes Amendment Sexual Offences Act 2016* (Vic), which include non-contact sexual offences such as grooming and image based sexual offences.

5. Should the definition of 'act of violence' in the act be amended to include non-criminal behaviour? If so what forms of non-criminal behaviour should be included?

A broader definition of 'act of violence' would more accurately reflect the experience of many survivors of institutional child sexual abuse.

While the focus of the Royal Commission has been on responses to child sexual abuse occurring in institutional settings, the Letters Patent issued to the Commissioners specifically

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<sup>5</sup> Victoria Law Reform Commission, *Review of the Victims of Crimes Act 1996 Supplementary Consultation Paper*, pp. 57 -59

<sup>6</sup> Victims of Crime Assistance Tribunal, *Annual Report 2015-2016*, 1 September 2016, p. 15

acknowledged that child sexual abuse “*may be accompanied by other unlawful, or improper treatment of children, including physical assault, exploitation, deprivation and neglect.*” Further, the Royal Commission has since recognised that “*...in particular instances, other unlawful or improper treatment, such as physical abuse or neglect, or emotional or cultural abuse, may have accompanied the sexual abuse.*”<sup>7</sup> Indeed, the evidence in many of the Royal Commission’s public hearings has established both the prevailing brutality and the frequency of multiple forms of abuse in many Australian institutions entrusted with the care of children.

The findings of the Royal Commission are consistent with the experience of **knowmore’s** clients, many of whom experienced multiple forms of abuse as children within institutional settings, as noted in our submission to the Royal Commission concerning redress.<sup>8</sup> Specifically, many of our clients have disclosed being subjected to physical, psychological and emotional abuse and in the case of some of our Aboriginal and Torres Strait Islander clients, cultural abuse, in connection with the institutional childhood sexual abuse they experienced. Our work with survivors furthermore reflects that it is rare in many institutional settings, especially residential homes, for sexual abuse to have occurred in isolation from other forms of maltreatment.

This reality needs to be reflected in any scheme purporting to offer genuine access to justice for survivors of institutional child sexual abuse. **knowmore** therefore supports an expansion of the definition of ‘act of violence’ to include physical, psychological/emotional, cultural abuse and neglect that has occurred in connection with childhood sexual abuse.

The concept of ‘connected abuse’ was adopted by the New South Wales government in the amendments effected by the *Limitation Amendment (Child Abuse) Act 2016* concerning civil claims arising from child abuse. If a threshold of sexual abuse or serious physical abuse of a child is met, then other forms of abuse connected to the threshold abuse, such as psychological abuse or minor physical abuse, can be considered in determining a claim. “Connected abuse” can be perpetrated by the same person who perpetrated the threshold abuse, or by another person.

A somewhat similar approach has been taken in Victoria in amending its limitation laws for claims which are founded on the death or personal injury of a person resulting from:

- (i) an act or omission in relation to the person when the person is a minor that is physical abuse or sexual abuse; and
- (ii) psychological abuse (if any).<sup>9</sup>

An expanded definition as proposed would more accurately recognise the totality of the abuse and consequent harm that many survivors of institutional child sexual abuse endure.

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<sup>7</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, *Report on Redress and Civil Litigation* (2015) pp.99-102

<sup>8</sup> **knowmore** Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress Schemes: Issues Paper 6*, 20 June 2014, pp.19-20

<sup>9</sup> *Limitation of Actions Act 1958* (Vic). Part IIA, Div. 5

6. How does the definition of 'injury' in the Act impact on people applying to VOCAT for financial assistance?
7. Should the definition of 'injury' in the act be amended to include other forms of harm? If so, what forms of harm should be included?
8. Should the requirement for injury in the Act be removed for victims of certain crimes? If so, for which categories of victim should the requirements be removed?

As institutional childhood sexual abuse is rarely reported at the time of the offence and often only reported after many years have elapsed,<sup>10</sup> many of **knowmore's** clients do not have sufficient evidence to prove physical injury under the Act and generally rely on establishing 'psychological injury' to meet the threshold for financial assistance.

In **knowmore's** experience, many survivors of institutional child sexual abuse are able to establish they have a 'psychological injury' in the form of a diagnosable mental illness for the purposes of statutory victims' schemes. However, for the many survivors who have experienced sexual or other forms of abuse in multiple contexts, causation can present a significant hurdle in making a successful application, as discussed in our response to question 9 below.

The requirement of a formal diagnosis of injury by a qualified professional, such as a psychologist, can also be restrictive and potentially have a counter-therapeutic effect for survivors. If survivors are already engaged with, for example, a support service, it can be re-traumatising to be required tell their story to another professional in order to obtain a formal diagnosis of psychological injury. **knowmore** has experience of assisting survivors who have been reluctant to pursue potential compensation claims when advised of the requirement for a forensic report from a non-treating psychologist or psychiatrist, due to concerns about being re-traumatised and an understandable reluctance to share their most private information with someone they neither know nor trust.

The need to establish 'mental illness' or 'disorder' in order to prove a psychological injury also means that the Act does not recognise other forms of mental harm that are significant within the context of institutional child sexual abuse. Many of **knowmore's** clients report, for example, that their abuse has left them with a distressing sense of violation or a reduced sense of self-worth and capacity to trust and to develop relationships with others. As a further example, many clients who grew up in institutions such as orphanages have reported receiving little or no education, in turn impacting on their prospects in life and consequent employment opportunities, and ultimately their earning capacity.

An expanded definition of injury to incorporate these other losses would more accurately reflect the realities of the devastating impacts that survivors of institutional child sexual abuse experience. As an example, we note that the Queensland Victims of Crime Assistance scheme provides that for sexual offences, injury also means the totality of the adverse impacts of the sexual offence suffered by a person, including:

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<sup>10</sup> Royal Commission, *Interim Report*, June 2014, pp.157- 159



- a sense of violation;
- reduced self-worth or perception;
- lost or reduced physical immunity;
- lost or reduced physical capacity (including the capacity to have children), whether temporary or permanent;
- increased fear or increased feelings of insecurity;
- adverse effect of others reacting adversely to the person;
- adverse impact on lawful sexual relations;
- adverse impact on feelings.<sup>11</sup>

**knowmore** further recommends that the Act be amended to allow the Tribunal to rely on reports from other professionals and support workers who cannot officially diagnose psychological injury. In **knowmore's** experience these professionals will often have extensive knowledge of the client's needs and the effect the abuse has had on their lives.

9. How does the requirement for victims to establish that their injury was the 'direct result' of the act of violence impact on people applying to VOCAT for assistance? Should this causation requirement be amended? If so what changes should be made?

As noted above, for the majority of **knowmore's** clients it appears rare for sexual abuse to have occurred in isolation of other mistreatment.<sup>12</sup> Moreover, victims of institutional child sexual abuse have often experienced multiple episodes of violence or other traumatic events across their lives. In these circumstances it can be difficult to establish that the injury suffered was a 'direct result' of the abuse which is the subject of the application. Consequently, causation is often a live and complex issue for our clients. Research indicates that the vast majority of survivors of child sexual abuse are at increased risk of subsequent re-victimisation. One study, for example, found that up to 81% of female survivors of child sexual abuse reported subsequent sexual victimisation as an adult.<sup>13</sup>

As noted in **knowmore's** submission in response to the Royal Commission's Issues Paper 4, many survivors who spent time in out of home care, for example, were physically, emotionally or sexually abused *prior* to being placed in State care; in many cases, this abuse is the very reason they were placed in State care. Compounding this initial abuse, these clients frequently experienced similar abuse *while* they were in State Care, sometimes across multiple institutional contexts and sometimes *after* they left State care.

<sup>11</sup> *Victims of Crime Assistance Act 2009* (Qld), s.27(1)(f)

<sup>12</sup> **knowmore**, Submission to the New South Wales Government consultation, *Civil litigation recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse*, 4 September 2017, p.11. See <http://www.justice.nsw.gov.au/justicepolicy/Documents/JSP%20Public%20Consultations/Courts%20Strategy/Civil%20Litigation/Knowmore.pdf>

<sup>13</sup> Teague, R., Mazerolle, P., Legosz, M., & Sanderson, J., 'Linking childhood exposure to physical abuse and adult offending: Examining mediating factors and gendered relationships' 25(2) *Justice Quarterly* (2008) 313-348; Cathy Widom, Sally Czaja and Mary Dutton, 'Childhood victimisation and lifetime revictimisation' 32(8) *Child Abuse & Neglect* (2008) 785-796

One client, for example, experienced sexual abuse both within her family home and by neighbours as a child from the age of three years. She was later placed in State care aged approximately 11 years where she experienced sexual abuse in two children's homes and a foster care placement. She continued to be sexually abused by her father during weekend contact visits while in State care and she was later a victim of multiple episodes of sexual assault and family violence upon leaving care.

Another client reported experiencing repeated sexual abuse across five different boys' homes in Victoria.

Among our client group, such reports are not at all uncommon; survivors of institutional child sexual abuse in these circumstances will often experience insurmountable difficulties in apportioning liability between the relevant acts and the perpetrators/respondents. It is practically impossible to isolate the damage committed prior, during and after specific periods of institutionalisation.

Aboriginal and Torres Strait Islander survivors face particular disadvantages when proving causation. Child sexual abuse converges with intergenerational trauma, ongoing disadvantage and sometimes removal of the survivor's children by the State, which often recommences the intergenerational cycle. This convergence compounds the injuries the survivor sustains, which makes it practically impossible to isolate the damage caused by the acts of institutional child sexual abuse complained of.

For example, **knowmore** assisted a client who was confronted with these very difficulties when he made an application to VOCAT. As a child, the client had experienced sexual and physical abuse in his family home as well as sexual abuse perpetrated by a Scoutmaster and a kindergarten teacher. As an adult, he was sexually assaulted by multiple offenders over a number of years. He ultimately made an application to VOCAT in relation to sexual assault he had experienced as an adult. However, the presiding Magistrate found that the post-traumatic stress he suffered from was attributable to his childhood abuse and was not satisfied that being assaulted again as an adult would have added to his trauma. This was highly distressing to the client who expressed that:

*"It's like he said it didn't matter that I had been raped, because I was already fucked up before it happened. It's like saying it's okay to be raped if it's already happened to you, your suffering doesn't count for anything, when really it fucks you up more."*

In view of the aforementioned complexities, **knowmore** supports the removal of the word 'direct' from the causation test under the Act, creating a rebuttable presumption of a causal link. The removal of the word 'direct' would allow victims of child sexual abuse who have experienced multiple episodes of trauma to obtain appropriate recognition for the abuse they have experienced.

## CHAPTER 6: ASSISTANCE AVAILABLE

10. Are the maximum amounts of financial assistance available under the Act adequate to meet the needs of the victim? If not, what should the maximum amounts be?

The maximum amounts of financial assistance available under the Act are not adequate to meet the needs of survivors of sexual abuse. **knowmore** recommends that amounts of financial assistance currently available for victims of childhood sexual abuse in Victoria be increased to reflect community standards regarding such crimes.<sup>14</sup>

While the maximum amount of financial assistance available under the Act for primary victims is \$70,000, only \$10,000 of this amount is available as Special Financial Assistance (SFA). Victoria and Queensland currently offer the lowest amount of SFA of any statutory compensation scheme in Australia. Furthermore, in **knowmore's** experience, it is rare that a survivor of child sexual abuse will be awarded anywhere near the \$60,000 available for recovery expenses.

The current lump sum amount of SFA available is exceptionally inadequate for victims of institutional childhood sexual abuse and cannot be considered to be properly 'compensatory' in nature. Awards compare very unfavourably with financial outcomes obtainable through other means, such as civil claims for damages or even claims made under institutional redress schemes.<sup>15</sup> Many survivors of institutional childhood sexual abuse have suffered debilitating and life-long trauma as a consequence of the crimes committed against them and, for these survivors, reasonable financial compensation is important, both as recognition of the wrongdoing that occurred, and as a means to enable them to pursue their recovery. A sum as low as \$10,000 is perceived by some survivors as a message that the crimes committed against them, and the devastating impacts of those crimes, are not regarded by the law and our society as being significant.<sup>16</sup>

The \$10,000 cap on SFA under the Act is most noticeably troublesome in the context of some of the extremely serious child sexual abuse offences that found claims. Offences such as rape are rightly regarded as among the most serious criminal offences and routinely carry heavy penalties of imprisonment upon conviction.

We also stress the importance of the Tribunal adopting a trauma informed approach when assessing claims for survivors of institutional childhood sexual abuse. A fundamentally important aspect of such an approach is ensuring that survivors are afforded choice in how to pursue outcomes that are appropriate to their particular circumstances. In **knowmore's** experience, many institutional abuse survivors are not seeking counselling or recovery expenses, particularly where there are funded counselling services able to provide those services free of charge. When advised recovery

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<sup>14</sup> **knowmore**, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Statutory Victims of Crime Compensation Schemes: Issues Paper 7*, Recommendation 1, 2014, p.3

<sup>15</sup> **knowmore** Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Statutory Victims of Crime Compensation Schemes: Issues Paper 7*, 2014, p.5

<sup>16</sup> **knowmore** Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Statutory Victims of Crime Compensation Schemes: Issues Paper 7*, 2014, p.5

expenses are their only option as they are otherwise ineligible for SFA, few clients express an interest in pursuing a claim through VOCAT.

Recovery expenses can also be very difficult for victims to access as they require victims to both meet payment up front and seek reimbursement, or to obtain quotes and invoices in support of an application. This requirement can represent a significant barrier and arguably places an undue burden on clients with disadvantage, such as those who have literacy and complex trauma issues.

In order to address these concerns, while acknowledging the limited resourcing available to support the Act's scheme, one solution may be to retain the total amount of financial assistance available at \$70,000 but increase the portion available for SFA.

As discussed further in responding to Question 25 below, **knowmore** also supports a higher amount of SFA being awarded for related criminal acts.

11. Should the Act be amended to remove the pool of assistance for related victims? If not, should the total maximum cumulative amount of assistance available for a pool of related victims be increased?

We make no specific submissions on this point.

12. Should the Act be amended to reflect the rising cost of funerals? If so, what amendments should be made? Should funeral expenses be excluded from the total maximum cumulative amount of assistance available under the Act for a pool of related victims?

We have no specific submissions on this issue, which does not arise in the context of our client work.

13. Are the current categories of award under the Act still appropriate to meet the needs of victims of crime? If not, how should the categories of award under the Act be amended and what should be included?

Many of the needs of survivors of institutional child sexual abuse and the outcomes they seek are consistent with other victims of crime, who similarly will potentially require assistance with meeting medical costs, counselling and who may wish to obtain adequate financial compensation for pain and suffering, for loss of earnings and opportunity, and other damage. The consequences for children who suffer sexual violence and the life-long impacts of their trauma are clear, as outlined by the Royal Commission in its *Redress and Civil Litigation Report*.<sup>17</sup> This reality, coupled with the overarching context of institutionalisation, does raise

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<sup>17</sup> See Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and Civil Litigation Report* (2015), pp.177-207.

the need for some different services and forms of compensation for these survivors, as compared to other claimant groups.

As explained above, many of our clients experienced repeated, lengthy periods of sexual abuse accompanied by emotional and physical abuse, in environments seemingly devoid of any compassion and support. These survivors consequently nearly always present with complex trauma and other serious psychiatric conditions. Any statutory victims' scheme needs to therefore recognise, as the Royal Commission has, that survivors of child sexual abuse will often require very extensive and ongoing counselling.

The context of institutionalisation that accompanied the offences of child sexual abuse impacts upon survivors' current needs in three other ways that may differ from the position of other victims of crime. We outlined these impacts in our submission to the Royal Commission's Issues Paper regarding statutory victims of crime schemes:

*First, placement in institutions deprived many survivors of access to even a basic education. Rather, many children were forced into manual labouring roles at a very early age. Those who were sent to schools were often discriminated against because they were "homies" or were too traumatised to derive any benefit from their schooling. Many now have literacy problems. For many clients this lack of education has left them with a profound sense of loss and failure.*

*Tribunals should have the capacity to award basic costs of tuition and literacy courses for those who require it along with computer and child care costs so that education is realistically accessible.*

*Secondly, many of **knowmore's** clients talk about the sadness of losing contact with their family and their cultural heritage. This is especially an issue for many Indigenous clients who were removed from their families and placed with white families or in institutions run by non-Indigenous people.*

*For many survivors removal from their parents was accompanied by ongoing separation from their siblings, with family contact often discouraged. Many survivors do not know who their family is, have incorrectly believed their parents to be dead, or cannot find their relatives. It is critical that survivors be given assistance to locate and reconcile with family members.*

*This is particularly significant for Indigenous survivors, many of whom were taken from their families under government policy at that time, and are members of the Stolen Generations. **knowmore's** Indigenous clients regularly talk about loss of family, language and culture.*

*Thirdly, many survivors, especially elderly survivors, report loneliness, difficulties in establishing and maintaining relationships and a lack of basic life skills. Many have a real dread of being institutionalised again, in their old age, due to medical needs and/or an inability to care for themselves or to access support from sources that*

*may be available to other people (such as from family members). Tribunals should have capacity to allow payments for ongoing home help support for the elderly.*<sup>18</sup>

Statutory victims' schemes should provide for awards of compensation or services that specifically recognise victimisation in the context of institutionalisation, and its impacts, and the needs of this group of survivors in relation to:

- a. Medical needs
- b. Counselling support
- c. Educational needs
- d. Family location and unification and cultural identity needs
- e. Home help issues

**knowmore** recommends the existing category of awards be amended to specifically include education, home help issues and cultural identity which will more accurately reflect the devastating impact of childhood sexual abuse on our clients' lives.<sup>19</sup>

14. Is it appropriate for the Act to require that the costs for certain expenses, such as counselling services, be reasonable? If not, what changes should be made to the Act?

Many survivors of institutional childhood abuse have suffered debilitating and life-long trauma which inevitably impacts adversely on their lives. As outlined in our submission to the Royal Commission on therapeutic treatment services:

*"this can result in challenges such as housing instability or homelessness, mental and physical health issues including psychiatric disability, drug and alcohol misuse, as well as ongoing (and involuntary) involvement with other institutions, including the criminal justice and forensic mental health systems."*<sup>20</sup>

In **knowmore's** experience, clients who have experienced institutional childhood sexual abuse have complex trauma needs and should be seen as an important priority group when it comes to accessing specialist and longer term treatment services.<sup>21</sup>

We support Recommendation 9 concerning the provision of counselling services for survivors of institutional child sexual abuse as set out in the Royal Commission's *Redress and Civil Litigation Report*. Specifically, that counselling should be available both throughout a survivor's life and on an episodic basis in recognition of the reality that survivors may move in

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<sup>18</sup> **knowmore**, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Statutory Victims of Crime Compensation Schemes: Issues Paper 7*, recommendation 20, 2014, pp.26-28

<sup>19</sup> **knowmore**, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Statutory Victims of Crime Compensation Schemes: Issues Paper 7*, recommendation 20, 2014, pp.26-28

<sup>20</sup> **knowmore**, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Advocacy and Support and Therapeutic Treatment Services: Issues Paper 10*, 2016, p.1

<sup>21</sup> **knowmore**, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Advocacy and Support and Therapeutic Treatment Services: Issues Paper 10*, recommendation 6, 2016, p.3

and out of wellness. Further, the Royal Commission noted as follows in relation to provision of counselling services for survivors:

*“We are satisfied that, while there should be regular assessment and review to ensure that services are provided based on need, as discussed below, there is no evidence that supports the imposition of a fixed limit on the number of counselling sessions available to a survivor per episode of care.”*<sup>22</sup>

In view of these realities, **knowmore** supports the removal of the requirement of ‘reasonable’ in relation to counselling expenses for victims of childhood sexual abuse. This will allow the Tribunal more scope to make awards that recognise survivors of childhood sexual abuse have a need for tailored and longer therapeutic term treatment options. In the interests of ensuring good clinical outcomes and appropriately targeting limited resources, any counselling awarded could be subject to a suitable process of ongoing review as also recommended by the Royal Commission.<sup>23</sup>

15. Is it appropriate for the Act to limit awards for recovery expenses to exceptional circumstances?

As discussed above, it is clear childhood sexual abuse has an exceptionally devastating effect on victims.

**knowmore** supports the removal of ‘exceptional circumstances’ requirement for recovery expenses. Survivors of institutional childhood sexual abuse have a diverse range of needs beyond counselling and should not have to demonstrate there is something ‘exceptional’ about their circumstances to warrant an award for recovery expenses.

16. In addition to the financial assistance available under the Act, are there other ways to promote the recovery of victims from the effects of crime? If so, is there a need for these other ways to be supported by the Act?

Please see our response to Question 59 below.

17. Are the interim awards available under the Act adequate to meet victims’ needs including with respect to quantum and timeliness? If not, how should they be improved?

We have no specific submissions on this point, which does not arise in the context of our client work.

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<sup>22</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, *Report on Redress and Civil Litigation* (2015) p.189

<sup>23</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, *Report on Redress and Civil Litigation* (2015), Recommendation 9



18. Should the special financial assistance formula be amended to take into account the cumulative harm of a series of related criminal acts? If so, how should the formula be amended?

The devastating impact and cumulative harm of institutional child sexual abuse is well documented.<sup>24</sup> As previously discussed, many of our clients report being abused on multiple occasions, often in circumstances that would constitute a ‘series of related criminal acts’ under the Act. For example, **knowmore** has assisted a client who was raped on multiple occasions by her school teacher between the ages of 9 and 14 years. Under the current Act, she would only be eligible for one Category A amount of SFA, which is capped at \$10,000. This is grossly inadequate and does not reflect the cumulative harm experienced by victims of related criminal acts.

If the same client had been indecently assaulted on multiple occasions rather than raped by her teacher, she would be entitled to an uplift to Category A by virtue of the series of related acts. However, had the related acts involved sexual offences falling below the threshold of indecent assault, the client would not be entitled to an uplift to Category A, no matter how prolonged and extensive the abuse.

**knowmore** supports the proposal suggested on page 88 of the Consultation Paper that a series of related criminal acts be considered an ‘aggravating factor’ that results in an uplift to different amounts depending on the nature of the criminal acts involved.

19. Should the special financial assistance formula be amended to take into account the experiences of vulnerable victims, including child victims, elderly victims, victims with disability and victims of an act of violence perpetrated by someone in a position of power, trust or authority? If so, how should the special financial assistance formula be amended?

The current categories of special financial assistance available for victims of childhood sexual abuse do not sufficiently account for the vulnerability of these survivors and the devastating effect the abuse has on their lives.

**knowmore** supports the approach taken by the Australian Capital Territory in the *Victims of Crime (Financial Assistance) Act 2016* (ACT) that provides for an uplift to a higher recognition payment in ‘circumstances of aggravation’, which includes the primary victim being under 18 years of age at the time the offence was carried out.<sup>25</sup> We note that the Australian Capital Territory scheme also recognises that the offender being in a position of ‘power, trust, or authority’ is a circumstance of aggravation that entitles the victim to a higher recognition payment.<sup>26</sup>

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<sup>24</sup> See Royal Commission into Institutional Responses to Child Sexual Abuse, *Report on Redress and Civil Litigation* (2015), p.181

<sup>25</sup> *Victims of Crime (Financial Assistance) Act 2016* (ACT) s.8(1)(f) (ii)

<sup>26</sup> *Victims of Crime (Financial Assistance) Act 2016* (ACT) s.8(1)(e)



## 20. Who should be eligible for special financial assistance under the Act?

In recognition of the devastating and often life-long trauma suffered, all survivors of childhood sexual abuse should be entitled to SFA, whether or not they are classified as primary victims under the Act.

We note that 59% of **knowmore's** client group are aged 45 years and over<sup>27</sup> and most of those clients would not be eligible for SFA under the s.77 transitional provisions of the Act, as they were abused prior to 1 July 2000. Even if survivors abused prior to 1 July 2000 have reported the abuse to police, it is still difficult to meet the current threshold that charges be laid (on or after 1 July 1997) for a number of reasons, including the offender being deceased or there being insufficient evidence to charge the offender given the historical nature of the crime.

In **knowmore's** submission, eligibility for SFA should not be contingent on when the offences occurred. As outlined in our recommendations on redress, *"existing statutory victims' schemes should be amended to remove disparities of access and in awards, arising solely from the timing of the relevant crimes."*<sup>28</sup> For victims of historical sexual abuse, being advised that they have no claim for SFA under the current Act is often very distressing as they do not feel they are receiving adequate recognition for the significant trauma they suffered and that continues to adversely affect their lives.

## 21. Should the prescribed maximum and minimum amounts of special financial assistance be removed and replaced with one amount for each category? If so, what changes should be made to the Act and what should the amounts be?

Currently, the Tribunal has substantial discretion within the range of each category as to the amount of SFA that it awards an applicant, which can lead to inconsistent and unsatisfactory outcomes.

It is **knowmore's** experience that many survivors of institutional child sexual abuse, especially family members, are painfully aware of the detail of each other's compensation or redress awards and find the disparity in outcomes hurtful and often insulting.<sup>29</sup> **knowmore** therefore supports any measures that increase transparency and consistency for survivors. Specifically, **knowmore** supports the implementation of one set amount of SFA for each category, particularly in circumstances where the award of SFA is intended to be in recognition of the harm suffered rather than compensation.

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<sup>27</sup> See **knowmore** Service Snapshot (Infographic as at 30 September 2017). A copy is attached as Appendix 1 to this submission

<sup>28</sup> **knowmore**, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Statutory Victims of Crime Compensation Schemes: Issues Paper 7*, Recommendation 2, 2014, p.3

<sup>29</sup> **knowmore**, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Statutory Victims of Crime Compensation Schemes: Issues Paper 7*, 2014, p.6

22. Should the amounts of special financial assistance in the Act be increased? If so, what should the amounts be?

We note that the current maximum amount of SFA available has not been increased since the Act was introduced. As discussed in our response to question 10 above, the maximum and minimum amounts in the award should be increased to reflect current community standards.

For example, the current minimum amount of SFA available for attempted sexual penetration, an indecent act or indecent assault is \$1,300, including if the act was committed against a child. Similarly, the maximum available under the Act for rape is \$10,000 including where the victim is a child. The available awards are unjustifiably low in the current economic climate and fail to reflect the severity of the crimes or the devastating impact on survivors.

23. Should the definition of 'related criminal acts' be amended to have regard to the cumulative harm of long-term abuse? If so, what should the definition be?
24. Should the Act be amended to give victims an opportunity to object if claims are to be treated as 'related'?
25. Should there be a higher maximum for awards of financial assistance under the Act for victims of a series of related criminal acts? If so, what changes should be made to the Act?

**knowmore** supports an amendment to the Act so that the related criminal acts provision more accurately reflects the cumulative harm of long-term institutional childhood sexual abuse. Specifically, **knowmore** supports the approach adopted in the Tasmanian legislation, namely that a higher amount of SFA is available for a victim of a series of related acts.<sup>30</sup> As noted on page 96 of the consultation paper, under the Tasmanian legislation, the maximum award for a primary victim of a single offence is \$30,000 and the maximum for a victim of multiple offences is \$50,000.

**knowmore** also supports an amendment to the Act to enable survivors of child sexual abuse to object if separate claims are to be treated as related. Although this has not specifically arisen in the context of **knowmore's** work, we can envisage situations where a survivor of institutional child sexual abuse could be potentially adversely affected if their claims were to be treated as related. For example, we have assisted a client who was sexually abused at a children's home then raped a couple of years later by the same perpetrator at a different institution. As the Act is presently drafted, it is possible the separate incidents would be treated as 'related' such that this client might be entitled to only one rather than two separate awards of SFA. In a situation such as this, the Act should give victims the opportunity to object if their claims are to be treated as related.

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<sup>30</sup> Victims of Crime Assistance Regulations 2010 (Tas) regs 4(1)(a), (1)(b)

## CHAPTER 7: TIME LIMITS FOR MAKING AN APPLICATION

26. Is the two-year time limit to make an application to VOCAT under s.29 of the Act still appropriate? If not, what would be an appropriate application time limit? Alternatively, should different application time limits apply for different types of crime?
27. Should some types of crime be excluded from application time limit provisions entirely? Should some time limits start after a victim turns 18? Alternatively, should some components of victim support and financial assistance not have a time limit?
28. Are the factors VOCAT may currently consider in determining whether to hear an application out of time sufficient? Should other factors be included in the Act? If so, what additional factors should be included?

It has been the experience of **knowmore** that survivors of institutional childhood sexual abuse do not routinely disclose their abuse until well into adulthood, and often then only after a further period of some decades have elapsed. The Royal Commission's own research indicates that there is an average delay in disclosure of 22 years.<sup>31</sup> Many of **knowmore's** clients are furthermore disclosing to us and the Royal Commission for the first time.

A claim for financial assistance under the Act must be made within two years from the date of the crime, unless there are exceptional circumstances. The age of the victim at the time of the offence is a relevant consideration under that provision, as is the question of whether the perpetrator of the crime was in a position of power over the victim.<sup>32</sup> While in some instances this limitation period can be extended through the demonstration of such circumstances, its imposition in respect of claims arising from childhood sexual abuse is inappropriate.

**knowmore** recommends that the existing limitation period be removed for claims relating to childhood sexual abuse<sup>33</sup> in recognition that that delay in reporting and disclosing is intrinsic to childhood sexual abuse cases, especially in an institutional context. Removal of time limits in these circumstances would be consistent with legislative reform in Victoria (and now in many other Australian Jurisdictions) regarding removal of the limitation period for civil claims concerning child abuse, in line with the Royal Commission's recommendations regarding civil litigation.<sup>34</sup> The observations we have made in our previous submissions about the existence

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<sup>31</sup> Royal Commission, *Interim Report*, June 2014, pp.157- 159

<sup>32</sup> *Victims of Crime Assistance Act 1996* (Vic) s.29

<sup>33</sup> **knowmore**, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Statutory Victims of Crime Compensation Schemes: Issues Paper 7*, Recommendation 3, 2014, p.3

<sup>34</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, *Report on Redress and Civil Litigation* (2015), p.459, Recommendations 85-88.

and application of limitation periods for civil claims<sup>35</sup>, and 'cut- off' dates for redress schemes<sup>36</sup>, are also apposite in this context.

29. Should VOCAT be required to publish data and reasons for decisions made in relation to section 29 of the Act? If yes, what data should be provided and how should it be published?

As outlined above in our responses to questions 26-28, **knowmore** proposes removal of time limits within the context of child sexual abuse matters. We otherwise refer to our response to question 54 herein in relation to publication of reasons for decisions more generally.

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<sup>35</sup> **knowmore** Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Civil Litigation: Issues Paper 5*, 17 March 2014, pp.3, 5, 13-19

<sup>36</sup> **knowmore** Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress Schemes: Issues Paper 6*, 20 June 2014, p.17

## CHAPTER 8: MAKING AN AWARD

30. Should the requirement to report incidents to police be explicitly excluded for some types of crime? Alternatively, should reports made by victims to other professionals or agencies be recognised? If so, how would this work in practice?
31. Should the requirement to provide reasonable assistance to police and prosecution be explicitly excluded for some categories of victim? If yes, what categories?
32. How do the 'reasonable assistance' requirements impact on victims of crime?
33. Should the Act be amended to improve the operation of the 'reasonable assistance' provisions for victims of crime? If so, what changes should be made to the Act?

It is **knowmore's** position (as outlined in our submission to the Royal Commission regarding Statutory Victims of Crime Compensation Schemes), that statutory victims' schemes, including VOCAT, should not compel as an eligibility requirement that victims of sexual offences report those crimes necessarily to police or otherwise co-operate with police investigations.<sup>37</sup>

The general under-reporting to police of sexual offences is already well recognised. It has been the experience of **knowmore** that survivors of institutional child sexual abuse are often unwilling to report to police and that this requirement acts as a disincentive to pursuing an application for financial assistance under the Act. The multitude of reasons our clients are reluctant to report to police include issues relating to lack of trust, shame, guilt, fears of not being believed or reprisals from the perpetrator or family/friends. Many of our clients may also have experienced negative interactions with police in the past and may have a distrust or fear of authority and institutions as a result. This may involve a fear of not being believed/supported, and of finding the concept of being involved in a police investigation to be altogether too daunting.

**knowmore's** client survivors who are incarcerated or have a history of incarceration face additional barriers navigating processes for reporting their experience of historical childhood sexual abuse matters to police. This includes practical difficulties in seeking to make criminal complaints about their experience of childhood sexual abuse in a supported, secure and safe way; perceptions about the futility of reporting their childhood sexual abuse to police; and feeling that the police were unlikely to want to assist because of the prisoner's prior offending and consequent incarceration.

We have outlined the barriers to police reporting that our clients face more extensively in our submissions to the Royal Commission concerning criminal justice.<sup>38</sup> The Royal Commission

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<sup>37</sup> **knowmore**, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Statutory Victims of Crime Compensation Schemes: Issues Paper 7, 2014*, pp.9-10

<sup>38</sup> **knowmore**, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Experiences of police and prosecution responses: Issues Paper 8, 2016*, pp.6-14. [http://knowmore.org.au/wp-content/uploads/2016/01/Issues-paper-8-submission.Final\\_.pdf](http://knowmore.org.au/wp-content/uploads/2016/01/Issues-paper-8-submission.Final_.pdf)

has also extensively referenced the difficulties that vulnerable survivors face in reporting to and assisting police, including Aboriginal and Torres Strait Islander survivors, or those with cognitive (including memory loss<sup>39</sup>) or other disabilities.<sup>40</sup>

For many survivors of childhood sexual abuse, their recovery is fundamentally linked to empowerment and being able to make informed choices about courses of action relevant to their experiences and their own healing. It is counter-productive and potentially re-traumatising to compel survivors to take steps, such as reporting to police and participating in investigations and prosecution processes, where they do not wish to. **knowmore** has assisted many survivors who have elected not to pursue compensation options where police reporting is a requirement.

Furthermore, in many historical cases involving institutional child sexual abuse, the offender will already have died by the time a survivor is ready to contemplate reporting to police. It has been **knowmore's** experience that even where survivors did report the offence to the police, that there are often difficulties in locating those historical police records that may assist to support claims.

In the event that police reporting in particular be excluded from stipulation in the Act, we support a proposal that the realm of acceptable 'reporting' be broadened as much as possible, so as to include reports made by victims to other recognised agencies or professionals such as the Royal Commission, doctors, psychologists, social workers and other support workers. We note that more informal reporting options are available under the statutory victims' schemes in Queensland and New South Wales.<sup>41</sup>

34. What are the effects of the section 54 considerations for victims? Are they operating fairly and appropriately? Should the Act continue to consider the 'character and the behaviour' of the victim 'at any time' as currently required under section 54 (a) of the Act, or at all? If not, what changes should be made to the Act to address this?
35. Are there some section 54 factors, such as whether the applicant provoked the act of violence or the applicant's past criminal record, which should no longer be relevant for consideration of award applications?

In **knowmore's** experience, many of our clients would be caught by the provisions of section 54 of the Act. As noted in our response to question 14 herein, survivors of childhood sexual abuse often present with complex trauma, psychiatric and substance abuse issues and in some cases, a history of engagement with the criminal justice system. It is also well established that people who have suffered these impacts as a result of childhood sexual

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and **knowmore**, Response to Consultation Paper, *Criminal Justice*, 31 October 2016, pp.4-7  
<http://www.childabuseroyalcommission.gov.au/getattachment/c3a3db85-e13f-411e-9c30-6d3805dcad89/knowmore>

<sup>39</sup> **knowmore**, Response to Consultation Paper, *Criminal Justice*, 31 October 2016, pp.155 & 149

<sup>40</sup> **knowmore**, Response to Consultation Paper, *Criminal Justice*, 31 October 2016, p.474

<sup>41</sup> *Victims of Crime Assistance Act 2009* (Qld) ss. 81(1)(a)(ii) and (2)(a)

abuse come into contact with the criminal justice system more frequently than those who have not.

Approximately 18% of **knowmore's** clients have been incarcerated at the time of their engagement with our service. Many of those clients have reported similar 'pathways' leading to the adult correctional system. Usually this starts with childhood abuse (in either a non-institutional or institutional setting, and frequently experienced in both settings), leading to trauma and a lifetime of institutional involvement. The common pathway involves placement(s) in the out of home care system → criminal offending as a juvenile → juvenile detention → criminal offending as an adult → imprisonment as an adult; with abuse occurring before and/or during one or more of these stages. Many are now recidivist adult offenders.

Very few of our clients in prison report ever gaining any criminal or civil justice outcomes or therapeutic healing support to help deal with the consequences of this abuse, which they now see as contributing to their continuing along the above pathway. Some of these client have remarked upon the prevalence of violent offending (including murders) committed by men with whom they had been institutionalised as boys, usually in juvenile detention facilities. These clients see clear links between the brutal abuse experienced as children in those institutions, and later serious, violent offending.

**knowmore** strongly believes therefore, that it is unfair and inappropriate to impede or reduce awards to survivor victims of childhood sexual abuse in light of subsequent character and behaviour considerations, which all too often are underpinned by the offending perpetrated against the applicant. We have also addressed this issue in previous submissions to the Royal Commission's Issues Papers regarding civil claims and victims of crime schemes.<sup>42</sup>

36. How do the perpetrator benefit provisions under section 54 of the Act currently affect some categories of victim? Are these provisions operating fairly and appropriately? If not, what changes should be made to the Act to address this?

We have no specific submissions on this point, which does not arise in the context of our client work.

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<sup>42</sup> See **knowmore** submissions to the Royal Commission, *Statutory Victims of Crime Compensation Schemes*, p.9 and *Civil Litigation*, p. 28

## CHAPTER 9: REVIEW, VARIATION & REFUND OF AWARDS

37. Should the six-year time period for variation of an award be extended to account for victims of crime with long-term needs? If yes, how long should the time limit be extended and should this be for specific crimes or specific types of award only?
38. How does the variation process impact on victims of crime?
39. Is there a need to make the variation process more accessible and timely for victims? If so, what changes should be made to the Act and/or VOCAT processes?

**knowmore** supports removal of the six-year period for variation of an award altogether to account for the complex and long-term needs of victim survivors of childhood sexual abuse. As noted in our response to question 14 herein, **knowmore** supports the Royal Commission's recommendation that counselling services for survivors should be life-long, accessible on an episodic basis and absent fixed limits on services available.<sup>43</sup>

In **knowmore's** experience, revisiting claims can be traumatic for survivors of childhood sexual abuse. It can be particularly distressing if there is a gap between clients completing an allocation of counselling sessions and then having to wait a long time for approval for further sessions. We therefore support more accessible and timely processes that require as little revisiting as possible, such as an updated report from a treating counsellor, with a view to obviating the delay associated with obtaining a further determination.

40. In what circumstances are VOCAT awards refunded? Is it appropriate for the Act to require the refund of awards in certain circumstances and if so, in what circumstances?

We note that under the Act repayment of awards are required in the event of obtaining subsequent other compensation for the same injury<sup>44</sup>. **knowmore** accepts that this position is appropriate as one of general principle (that is, in considering damages or redress scheme payments, regard should be had to compensation or awards obtained from other sources). However in practice, the present requirement under s.62 of the Act does present some difficulties for claimants, particularly survivors of childhood sexual abuse.

In one such instance, a **knowmore** client, after participation in a highly re-traumatising institutional redress scheme process, faced a demand to repay the entirety of the sum of money provided to them formerly as a result of obligations accruing from earlier awards made to them under a statutory victims' scheme. A further client was advised to seek redress through negotiation with a religious institution. The client had already received an award under the State victims of crime compensation scheme. Ultimately, after a painful and protracted process, a negotiated settlement was arrived at, which made no provision for the client to meet his obligation to refund the victims award under the provisions of the statutory

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<sup>43</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, *Report on Redress and Civil Litigation* (2015) pp.186-193, Recommendation 9.

<sup>44</sup> s.62 VOCAA 1996 Vic



scheme. While ultimately the institution agreed to cover the cost of that obligation, had it not done so the client would have participated in a lengthy and difficult institutional redress exercise, incurring significant legal fees, for no practical, net outcome. The client understandably found this process to be highly re-traumatising.<sup>45</sup>

Accordingly, provision of timely and accessible information about the relationship between VOCAT awards and payments received from other sources for the same injury is critical. Information must be provided in a way that it can be understood by vulnerable victims who, in turn, may need ready access to legal advice to understand their position and the consequences of potential options.

41. When might victims seek review of a VOCAT award? Are there any barriers to seeking a review of an award? If so, how should these barriers be addressed?

As outlined in our previous submission,<sup>46</sup> **knowmore** supports Victorian Scheme claimants having access to a merits review, as of right. We otherwise however have no specific submissions on this point, which has not arisen in the context of our client work.

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<sup>45</sup> **knowmore** Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Civil Litigation: Issues Paper 5*, 17 March 2014, p.27

<sup>46</sup> **knowmore**, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Statutory Victims of Crime Compensation Schemes: Issues Paper 7*, 2014, p.13

## CHAPTER 10: TIMELINESS OF AWARDS

42. Is there a need to amend section 32(3) and section 41 of the Act to clarify the need for speedy determinations? Alternatively, would an appropriate Practice Direction provide sufficient guidance?

We note that timeliness can be a particularly critical issue for survivors of institutional child sexual abuse, who are often aged, in poor health and suffering from the debilitating impact of complex trauma that can be exacerbated by lengthy delays associated with legal processes. Although in theory statutory victims schemes should be quicker and less complex processes than civil litigation pathways, **knowmore** is aware of VOCAT claims that have taken more than 12 months to resolve. In some cases, it may be possible for clients to resolve a common law claim more quickly than waiting for a VOCAT decision to be handed down.

**knowmore** supports the implementation of processes that provide for expedition of decisions in cases involving childhood sexual abuse and complex trauma. If criminal proceedings are simultaneously on foot, such expeditious treatment should only take place if it is felt that such a VOCAT decision would not prejudice the criminal trial.

43. What benefits would be achieved for victims if initiatives such as triaging, co-location or specialist streams were introduced?

We refer to our response to question 67 below where we have addressed ‘specialist streams’.

44. As an alternative approach, should an administrative model be adopted? If yes, what benefits would be achieved for victims through the adoption of an administrative model? How would this work in practice? What would be the disadvantages of an administrative model?

We refer to and endorse the discussion on this point in Springvale Monash Legal Service’s Joint Submission to the Victorian Law Reform Commission Review of the *Victims of Crime Assistance Act 1996*.<sup>47</sup>

45. What benefits would be achieved by enabling all magistrates to make interim VOCAT awards at the same time as hearing other matters? How would this work in practice? Would there be disadvantages?

**knowmore** acknowledges that enabling all magistrates to make interim awards at the same time as hearing other matters may go towards achieving timeliness. However, in **knowmore**’s submission any advantage in timeliness would be outweighed by the risk of survivors having

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<sup>47</sup> Springvale Monash Legal Service, *Joint Submission to the Victorian Law Reform Commission Review of the Victims of Crime Assistance Act 1996* (October, 2017), pp.2-5

their matters determined by judicial officers without specialist understanding of the needs of survivors of childhood sexual abuse.

46. Should applicants be able to support their applications with documentary evidence other than medical and psychological reports? If so, what other documentation should applicants be able to provide?

As set out in our responses to question 5 herein, **knowmore** recommends that applicants be able to rely on documentary evidence from support services other than medical professionals or psychologists, such as social workers or counsellors. Applicant should also be able to rely on statutory declarations from family members.

47. Should more assistance be provided by VOCAT to help victims satisfy the evidentiary requirements?

We refer to the concerns raised by Springvale Monash Legal Service in their Joint Submission in relation to having the same agency that is making determinations assist with applications.<sup>48</sup>

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<sup>48</sup> Springvale Monash Legal Service, Joint Submission to the Victorian Law Reform Commission Review of the Victims of Crime Assistance Act 1996 (October, 2017)

## CHAPTER 11: VOCAT HEARINGS

48. How do the rights of perpetrators - to be notified or appear - fit with the purpose of the Act, which is to provide assistance to victims of crime?
49. Should the Act be amended to include a legislative presumption against perpetrator notification? If so, how should the Act be amended?
50. Should the notification provision be amended to recognise the safety concerns of victims more specifically? If so, what changes should be made to the Act?

**knowmore** supports removal of the perpetrator notification provisions under the Act in matters involving child sexual abuse. Perpetrator notification provisions are a particularly significant issue for victims of childhood sexual abuse, raising the potential for re-traumatisation and decreasing the likelihood survivors will access the scheme, contrary to the purpose and objectives of the Act. It has been the experience of **knowmore** that many clients will state that they do not wish not to proceed with a claim under the Act when advised that the perpetrator may be notified as part of the process.

51. Given the aim of the Act is to assist victims of crime, should the Act be amended to include a guiding principle protecting victims from undue trauma, intimidation or distress during VOCAT hearings

Although statutory victims financial assistance schemes are relatively informal compared with many other forms of legal proceedings, they still have the potential to re-traumatise survivors. An effective statutory victims' scheme should operate within a trauma-informed framework that is reflected in the purpose and objectives of the governing legislation. The adoption of a trauma-informed framework is more likely to enhance the scheme's prospects of achieving outcomes that minimise trauma for victims and maximise therapeutic effect.

52. Should the Act be amended to include increased protections for victims during VOCAT hearings? If so, what procedural and evidentiary protections should be provided?

As discussed in the response to questions 48-50 above, **knowmore** supports removal of the perpetrator notification provisions in the Act as a central means of increasing protections for victims during VOCAT hearings.

The adoption of a trauma-informed framework will also improve responses to survivors of childhood sexual offences by enhancing their well-being during what can be a complex and stressful process for them. A trauma informed approach is particularly important given the difficulties faced by especially vulnerable survivors when engaging with the legal system,

including young children and survivors who have a disability, serious mental health issues or other chaotic life circumstances. This is likely to be relevant in a significant number of matters given the nexus between child sexual abuse and the development of complex trauma and mental health problems, such as depression, anxiety, substance abuse and self-harm.

**knowmore** otherwise supports replication of the procedural and evidentiary protections in place in the *Criminal Procedure Act 2009* (Vic) and the *Family Violence Protection Act 2008* (Vic) for survivors of child sexual abuse, as proposed in the Consultation Paper.

53. Should VOCAT application materials be admissible as evidence in criminal or family law proceedings? If not, how should the Act be amended?

**knowmore** recommends that VOCAT applications and associated documentation prepared for or on behalf of VOCAT in connection with an application for financial assistance under the Act be inadmissible as evidence in other legal proceedings, other than with the consent of the applicant.

In the context of **knowmore's** client group, there can be a genuine risk that detailed records of institutional child sexual abuse may be subpoenaed or discovered by parties in legal proceedings other than those initiated by the survivor in relation to the abuse. **knowmore** is aware of situations, for example, where clients' institutional files (containing psychiatric reports) have been produced in victims of crime proceedings only then to be used against those same clients in family law proceedings.

The risk is also present within the context of WorkCover and Traffic Accident Commission (TAC) matters. **knowmore** assisted a client, for example, whose institutional records relating to her sexual abuse in State care were used against her in TAC proceedings to minimise her claim for damages on the basis that pre-existing trauma she had suffered as a child was primarily responsible for her pain and suffering.

54. How could transparency and consistency in VOCAT processes and decision making be improved?

Any changes to the statutory victims' schemes that increase transparency and consistency in VOCAT processes and decision making would be welcomed by **knowmore's** client group.

Institutional child sexual abuse survivors have historically experienced significant barriers to obtaining information about their history and the response of institutions to the abuse they endured. We have outlined some of the barriers clients have faced in obtaining their records in our previous submissions to the Royal Commission.<sup>49</sup> Consequently, access to information

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<sup>49</sup> **knowmore**, Response to Consultation Paper, Records and recordkeeping, 17 October 2016 <http://www.childabuseroyalcommission.gov.au/getattachment/a9fbfeda-0645-4039-a485-ae1b9c477ff/Knowmore>

and transparent processes are critical to survivors and in ensuring the application of trauma-informed practices.

As discussed in our response to question 21, lack of consistency and transparency of processes and decisions have also been key complaints of **knowmore** clients who have had unsatisfactory experiences with redress schemes.

We support in particular the proposal outlined on page 164 of the Consultation Paper for publication of appropriately de-identified written reasons for decisions where a matter has been determined on the papers. We also refer to our response to question 21 above regarding limiting judicial discretion in relation to the categories of SFA. Any process that increases the likelihood of victims of similar kinds of violence, with similar injuries, receiving similar awards, would be welcomed by **knowmore's** client group.

## CHAPTER 12: AWARENESS OF VOCAT AND ACCESSIBILITY

55. How do victims learn about the availability of VOCAT? When, how and by whom should victims be informed of their personal eligibility under the Act?

**knowmore** regularly assists survivors of sexual abuse who qualify for statutory victims' schemes, including VOCAT, but have not accessed them. In many cases our clients are unaware of the existence of the schemes. Where clients have knowledge of the schemes that awareness has primarily derived from engagement with sexual assault support services, police or lawyers in relation to the sexual abuse they have suffered. However, **knowmore's** anecdotal experience has also been that many legal practitioners have a lack of understanding of the statutory schemes, or an unwillingness to act in such claims. This is a further impediment to accessibility for survivors.

56. Should the provision of state-funded financial assistance be integrated with victim support services? If so, how should financial assistance be integrated with victim support?

**knowmore** does not support the proposal for integration of the provision of state-funded financial assistance within victim support. We refer to and endorse the concerns raised about administrative models in Springvale Monash Legal Service's Joint Submission.<sup>50</sup>

57. Is the VOCAT system easy to navigate without legal representation? If not, why? Should the system be changed to make it more accessible for victims without legal representation? If so, what changes should be made to the Act and/or VOCAT processes?

In **knowmore's** experience, statutory victims' compensation schemes, including VOCAT, are often extremely difficult for survivors of institutional child sexual abuse to navigate in the absence of legal assistance. Many of **knowmore's** clients have issues with literacy and report that they were either denied a basic education in institutional care or their education was disrupted either as part of the abuse they suffered, or as a result of it. They are often overwhelmed by forms and requirements to produce various documents and this can be especially challenging for those clients who live in regional and remote areas and have limited access to support agencies. Any steps to further simplify the application process should be encouraged.

Proof of the offending can also be problematic in cases of historical child sexual abuse. Even if a person did report the offence to the police or other authority, there are often difficulties in now locating any historical police, medical or other records that may assist claims. Even records to establish the fact that a child lived at a certain institution at the relevant time often

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<sup>50</sup> Springvale Monash Legal Service, Joint Submission to the Victorian Law Reform Commission Review of the Victims of Crime Assistance Act 1996 (October, 2017) pp. 5-8

cannot be found. Where an institution's records are in existence, they are unlikely to document the making of allegations or the occurrence of sexual abuse.

More flexible ways to provide the required supporting documentation/information required will benefit survivors of child sexual abuse. However, even in the event of simplified processes, it is critical survivors have access to competent legal representation. Indeed, at the outset, claimants need to receive correct advice to enable them to choose between the options available, which could include possibly instigating a civil claim or a claim for redress under an institutional scheme.<sup>51</sup> In our response to the Royal Commission's Issues Paper 5 regarding civil litigation, we addressed at length the barriers that survivors face in accessing civil litigation remedies.<sup>52</sup> Many of those observations are apposite to the context of survivors being able to effectively access financial assistance schemes.

58. Is there a need to make VOCAT more accessible for victims? If so, what changes should be made to the Act and/or VOCAT processes to make VOCAT more accessible for victims, including those speaking languages other than English?

See the response to Question 56 above.

**knowmore** has previously recommended that the administrators of the current statutory schemes review their accessibility, paying particular attention to less visible groups of victims. As an example, consideration should be given to publishing materials in a wider range of languages and in other user friendly forms, and in establishing and refining partnerships with relevant agencies dealing with and supporting victims.<sup>53</sup>

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<sup>51</sup> For example, the *Towards Healing* procedure of the Catholic Church

<sup>52</sup> **knowmore** Submission Number 17 to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Civil Litigation: Issues Paper 5*, pp.2-4

<sup>53</sup> **knowmore** Submission Number 42 to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Statutory Victims of Crime Compensation Schemes: Issues Paper 7*, p.12



## CHAPTER 13: VICTIM NEEDS

59. Having regard to the impacts of crime on victims, what are victims' needs and how should they be met through a state-funded financial assistance scheme?

The needs that survivors of institutional childhood sexual abuse have and the outcomes they seek in order to achieve justice include financial recognition, acknowledgement, support, system reform and deterrence. While those outcomes are largely applicable in the context of statutory victims' schemes, the *inter partes* nature of claims, that is victim against individual offender, with the relevant Government funding any financial award (rather than the institution), limit the capacity of the schemes to deliver many of the non-financial and therapeutic outcomes sought by survivors. In **knowmore's** experience, is not unusual for victims of institutional child sexual abuse to say things like *"I'm not interested in VOCAT if the government pays for it. They weren't the ones who abused me and the tax payers shouldn't have to pay for it."*

If the Victorian government and relevant institutions opt into the Commonwealth Redress Scheme (the CRS), many survivors of institutional child sexual abuse would have no need to access VOCAT. However, as noted above, the current proposal to limit access to the CRS for survivors convicted of certain criminal offences may mean that VOCAT may remain a potential avenue for some survivors (although such claimants may in turn ultimately be penalised by the operation of s.54 of the Act, as addressed in our responses to Questions 34 and 35 above).

There will also be many child sexual abuse survivors who otherwise fall outside the eligibility requirements of the CRS and for whom State-funded financial assistance schemes will remain a necessary option. The needs of those survivors could more effectively be met through statutory victims' schemes via reforms that recognise and accommodate the unique features of crimes involving child sexual abuse, such as delayed complaint making, reluctance to risk re-traumatisation through participation in investigative and prosecutorial processes, and difficulty in obtaining historical records and other evidence to prove a claim.

One of the central ways in which the needs of child sexual abuse survivors could more effectively be met through the VOCAT scheme would be through the introduction of a specialised arm of the Tribunal which deals exclusively with claims involving child sexual offences, or indeed all sexual offences. The specialist arm should operate within a trauma-informed framework that would require the training of decision-makers and staff in the impact of child sexual abuse and in complex trauma.

60. Is the Act achieving its purpose and objectives? If no, in what respects?

We have outlined elsewhere in this submission some of the current deficiencies of the scheme in meeting the purpose and objectives of the Act in the context of the experience of survivors of institutional child sexual abuse.

61. Should the focus of the Act be on supporting victims rather than on assisting their recovery? If so, what changes should be made to the Act?

We have previously referred to the devastating and long-term impact of institutional child sexual abuse. **knowmore** supports an amendment to the Act so that the object of the scheme is centred on provision of support rather than assisting with 'recovery'. The proposed change in focus more accurately reflects the reality that many survivors of institutional child sexual abuse will need varying forms of support across their life-span and that 'recovery' may not be an achievable or appropriate aim for some survivors.

62. Does the Act recognise appropriate people as victims? If not, what changes should be made to the Act to better recognize appropriate people as victims? Are there circumstances where some victims should not be recognised by the scheme?

63. Is it appropriate under the Act that only 'certain victims' of crime are entitled to financial assistance as a symbolic expression of the community's sympathy, condolence and recognition? If so, how should this be expressed in the Act?

**knowmore** supports removal of reference under the Act to the entitlement of 'certain victims of crime' to financial assistance as a symbolic expression of the community's sympathy, condolence and recognition. Specifically, section 1(b) should be amended to remove reference to the word 'certain'.

As discussed in our response to Questions 34 and 35 above, many survivors of institutional child sexual abuse will have a history of criminal offending and substance abuse as a result of the offences perpetrated against them. It is simply unfair to preclude provision of financial assistance to victims because of other conduct which in many cases has its origins, to a significant degree, in the offending perpetrated against the claimant as a vulnerable child.

64. Would 'special financial assistance' be better classed as a recognition payment' as in the New South Wales and Australian Capital Territory schemes?

**knowmore** supports the proposal that 'special financial assistance' be reframed as a 'recognition payment.' One of the key outcomes survivors of institutional child sexual abuse

seek is validation and recognition in response to the abuse they have endured. For many survivors we have worked with, financial redress is seen as a cornerstone for healing in providing a sense of formal recognition for their experiences and a sense of justice. In our submission, the concept of a recognition payment better reflects both the need of survivors for 'recognition' and the intended objective of the payment under the Act.

65. What is the practical operation of s.51 of the Act which enables a victim to assign their rights to the State to recover from the offender? Should a State-funded financial assistance scheme retain 'offender recovery' provisions as a parallel process to other reparation mechanisms?
66. Should Victoria's state funded financial assistance scheme be amended to include a victim's levy payable by offenders? If so, how and on whom should the levy be imposed?

We have no specific submissions on these issues.

67. Is the current system meeting the outcomes for victims specified in the supplementary terms of reference, namely, does it achieve outcomes for victims that:
  - a. are fair, equitable and timely;
  - b. are consistent and predictable; and
  - c. minimise trauma for victims and maximise the therapeutic effect for victims?

In **knowmore's** submission, the existing scheme falls short in the areas of fairness, timeliness, consistency and minimising trauma for victims of institutional child sexual abuse as outlined in our responses above herein.

68. Is the current scheme efficient and sustainable for the State?

We make no specific submission in response to this question, other than to note that while sustainability of the statutory scheme is an important consideration, it is not one that should impact in an unfair way upon victims, through inadequate awards. The intent of the Act should not be dissipated by inadequate resourcing of the scheme.

69. Are there other models that would deliver assistance more effectively? If so which?

As noted in our response to question 59 herein, if the Victorian Government and relevant non-Government institutions opt into the Commonwealth Redress Scheme, many survivors of institutional child sexual abuse would have no need to access VOCAT. For survivors who are not eligible to access the CRS, we support the adoption of reforms to the VOCAT scheme to better assist those survivors to obtain justice.

It is our view that reform of the current scheme, and particularly via the introduction of a specialist arm of the Tribunal to address sexual offences,<sup>54</sup> can more effectively deliver assistance for survivors without the need for an entirely new model.

70. Is state-funded financial assistance to victims of crime better provided as part of victim support case management?

71. Alternatively, should some components of Victoria's state-funded financial assistance scheme for victims of crime be provided as part of victim support case management and others by a judicial or other independent decision maker? If so, what components and how should this operate?

**knowmore** does not support a move to an administrative scheme for the provision of financial assistance to survivors of child sexual abuse. We refer to and endorse the concerns raised about administrative models in Springvale Monash Legal Service's Joint Submission.<sup>55</sup>

72. Should restorative justice principles be further considered as a voluntary component of a state-funded financial assistance scheme?

**knowmore** recognises that a restorative justice approach can be an important alternative to formal Court processes in some contexts, particularly in relation to juvenile offending.<sup>56</sup> Based on our experience assisting survivors, there are significant barriers to adopting a restorative justice approach in institutional child sexual abuse matters. Three of the main barriers were identified by the Royal Commission in its Consultation Paper on Criminal Justice, namely:

- the complex power dynamics and seriousness of institutional child sexual abuse offending;

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<sup>54</sup> As noted in our response to Question 59

<sup>55</sup> Springvale Monash Legal Service, Joint Submission to the Victorian Law Reform Commission Review of the Victims of Crime Assistance Act 1996 (October, 2017) pp.5-8.

<sup>56</sup> J Bolitho and K Freeman, *The use and effectiveness of restorative justice in criminal justice systems following child sexual abuse or comparable harms*, Royal Commission into Institutional Responses to Child Sexual Abuse, 2016, p 9.

- the unwillingness of survivors to seek a restorative justice outcome with the perpetrator; and
- the unwillingness and unavailability of perpetrators to participate, particularly given the frequency of delay in reporting.<sup>57</sup>

We are concerned that the inherent power imbalance of the survivor vis-à-vis the perpetrator, implicit in institutional child sexual abuse, may be re-enacted through the restorative justice process. It is difficult to see how the underlying power imbalance for survivors can be overcome or satisfactorily addressed through a restorative justice process.

It has not otherwise been **knowmore's** experience that survivors of institutional child sexual abuse are seeking a restorative response from their offenders. Rather, for this group of survivors, a 'restorative' response may be available and sought in the form of any apology or acknowledgement from the institution responsible for their abuse as part of a redress scheme or civil claim. We have spoken about the importance of the availability of this option in our previous submissions to the Royal Commission.

In view of these issues, while we recognise the importance of choice for survivors seeking justice for their experiences of abuse, we do not think it likely that a restorative justice approach would be a preferred or desirable option for many survivors of institutional child sexual abuse.

73. What are the benefits and disadvantages of retaining judicial decision making for the provision of state-funded financial assistance for victims of crime? Are there alternative decision-making models that should be considered? If so, which?

74. Should hearings remain an available option, either at the request of victim or the decision maker?

Acknowledgment of a survivor's experience of abuse, listening to that experience and being believed are, in **knowmore's** experience, very significant issues for survivors of institutional child sexual abuse. The majority of our clients who have attended private sessions with the Royal Commission have provided very positive feedback about that opportunity, speaking about the feeling of validation they had from their participation and the Commissioners' approach, and the importance of having been listened to and believed.

For many clients the concept of a person in an official capacity bearing witness and acknowledging the wrongdoing they have experienced is a very important outcome. One **knowmore** client, a survivor of child sexual abuse, explained that he had made an application for compensation under a statutory victims' scheme, following a police complaint that was investigated but did not lead to charges, for the sole reason of having

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<sup>57</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, Consultation Paper on Criminal Justice, September 2016, p.80

*"some official acknowledgment that a crime had been committed against me."* Another **knowmore** client who was distressed about the decision of police not to pursue charges against his offender, felt validated following a hearing of his VOCAT application. The client said that he felt believed and that *"she really listened and understood what I had been through and the pain it had caused me. She could see that I was a person behind all my anger, that I wasn't just what the trauma had done to me."*

Such considerations favour the retention of the aspect of judicial decision-making, provided it occurs in a trauma-informed framework, and that this can best be achieved through the creation of a specialist arm of the Tribunal.

75. Should state-funded financial assistance to victims of crime be undertaken by other specialised decision-makers, so as to improve knowledge and awareness of victim needs and to enable a trauma-informed approach?

While statutory victims' schemes are relatively informal compared to many other forms of legal proceedings, they still have the potential to re-traumatise survivors, as explained above. **knowmore** is aware of cases where applicants have had very negative experiences before tribunals. Not all decision makers have an appropriate understanding of the complexities of institutional child sexual abuse matters and the impacts of such offending on survivors and their capacity to engage effectively with legal processes and with those they perceive as the representatives of authority.

For example, **knowmore** assisted a survivor who had experienced multiple episodes of sexual, physical and emotional abuse as a child in various institutional and non-institutional contexts. The client had subsequently experienced repeat episodes of sexual and physical assault as an adult. The only form of redress the client had pursued was a VOCAT application in relation to a sexual assault perpetrated against him as an adult. The client explained that the VOCAT experience had been re-traumatising, primarily because of the approach of the presiding Magistrate who had made him feel like he was on trial. Specifically, the Magistrate commented that the client hadn't fought back during the assaults and questioned whether the perpetrators would have known that he wasn't consenting. The client said that he felt like the Magistrate didn't believe that he had been raped until his evidence was subsequently corroborated by the police informant. He was further distressed by the Magistrate's conclusion that because he had already suffered psychiatric injuries from earlier abuse, being assaulted again as an adult was unlikely to have exacerbated his trauma. The client said the experience was highly distressing and increased his feelings of worthlessness.

The client received legal advice that he may have a viable claim for compensation in relation to the childhood sexual abuse he experienced. However, he decided not to pursue that avenue, stating, *"I don't want to put myself through another experience that might result in me being further traumatised."*

Conversely, and as outlined in our response to question 74 herein, survivors who have had their matters heard by a Magistrate with an understanding of the dynamics of sexual abuse and complex trauma have received an affirming and therapeutic response.

As discussed above, **knowmore** contends that there should be a specialised arm of VOCAT which deals exclusively with claims involving child sexual offences, or all sexual offences. The specialist arms should operate within a trauma-informed framework and decision-makers and staff should be trained in the impact of child sexual abuse and in complex trauma.



## APPENDIX 1

# knowmore

## Service snapshot



**knowmore** is an independent service giving free legal advice to people who are considering telling their story or providing information to the Royal Commission into Institutional Responses to Child Sexual Abuse.

**knowmore** is a unique, national legal service, providing trauma-informed and holistic services to survivors and other people considering engaging with the Royal Commission. Callers can access legal help, social worker/counsellor support and Aboriginal and Torres Strait Islander engagement advisors to talk to if they wish.

We have offices in Brisbane, Melbourne and Sydney.

Free call: 1800 605 762  
info@knowmore.org.au  
www.knowmore.org.au

**knowmore** began providing services to the public on 8 July 2013 – as of 30<sup>th</sup> September 2017, we've helped:



**8087**  
unique clients



**83136**  
client activities

Our current client-facing team includes:



17 lawyers

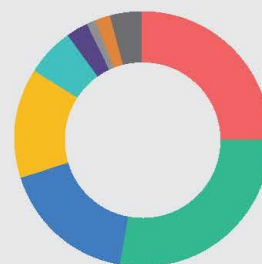


5 social workers/counsellors



3 Aboriginal and Torres Strait Islander engagement advisors

### Calls came from



NSW	25%
QLD	28%
VIC	17%
WA	14%
SA	6%
TAS	3%
ACT	1%
NT	2%
Unspecified/Overseas	4%

### Community outreach and liaison



Face to face legal services were provided to  
**1132 clients**



**knowmore** has conducted or participated in **1781** community outreach and liaison events



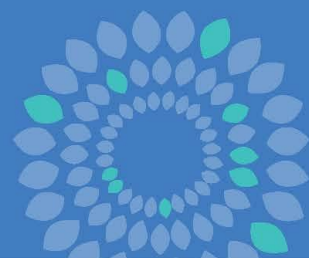
**89** Royal Commission private sessions that **knowmore** staff have accompanied clients to as their support person

As at 30<sup>th</sup> September 2017



# knowmore

## Service snapshot



### Counselling/ social work

**All clients** have access to social work/counselling assistance in addition to legal assistance

**4855 clients** received social work/counselling support either directly or through case consultation



**5425 clients** have been referred to other support services from **knowmore**

### Specialist staff for Aboriginal and Torres Strait Islander clients

**knowmore** has a strong commitment to providing culturally appropriate services to Aboriginal and Torres Strait Islander clients



**23% of our clients** identify as being of Aboriginal and Torres Strait Islander descent



We employ 3 experienced male and female Aboriginal engagement advisors.



We also work closely with interpreters and Aboriginal and Torres Strait Islander community organisations to ensure that we are engaging respectfully and appropriately with people

### Our clients



**59%**

were aged 45 and over



**38%**

identified as females



**62%**

identified as males



**20%**

required more than one advice session

### Feedback

From a client...

"The counselling I received through Relationships Australia arranged by **knowmore** has changed my life. I can't believe that I didn't connect the dots and now realise why I have spent 24 years in prison. My counselling is going well and I couldn't have told my story but for the kind person on the end of the phone who I first spoke to at **knowmore**."

From a client...

"It means a great deal to me that you guys have believed my story of abuse when no one else has taken the time to listen. It has not been about compensation it has been more about clearing the air for me and to help me overcome a lot of demons within myself and hopefully stops other poor kids from going through what a lot of us went through back then... thank you for leading me in the right direction to proceed with these matters and getting the right support with the counsellors to help me move forward and make me stronger in my life."