

What the Alliance for Forgotten Australians wants from a national Australian redress scheme for survivors of abuse in institutional and out-of-home 'care'

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<ul style="list-style-type: none"> • A standard, nationally consistent monetary payment. 	<ul style="list-style-type: none"> • Depends on where you live or where you were in 'care'.
<ul style="list-style-type: none"> • A baseline monetary payment as well as payment for more serious forms of abuse to the individual. 	<ul style="list-style-type: none"> • One size fits all payment.
<ul style="list-style-type: none"> • Cost is borne by the state or territory and the agency which provided the 'care'. • Where no entity survives, the Commonwealth, state and institution resolve who is to pay. 	<ul style="list-style-type: none"> • Cost is subject to negotiation between jurisdictions or agencies.
<ul style="list-style-type: none"> • A single, independent statutory authority to manage redress. 	<ul style="list-style-type: none"> • Not Centrelink or Medicare. Survivors have often been traumatised by their dealings with these agencies.
<ul style="list-style-type: none"> • Eligibility covers all abuse, acknowledging that all forms of abuse in an institutional context are connected. Definitions are developed with survivors involved in drafting. 	<ul style="list-style-type: none"> • Only sexual abuse covered.
<ul style="list-style-type: none"> • Survivors get legal advice. Survivors are supported to understand the implication of accepting or not accepting a payment. Legal advice to claimants is free. 	<ul style="list-style-type: none"> • Legal aid is limited to those on welfare benefits. Claims are means tested. Legal fees are uncapped.
<ul style="list-style-type: none"> • Adjudication of claims is done from a range of disciplines – therapeutic, psychological, psychiatric, dispute resolution, medical, gender perspective, as well as legal. 	<ul style="list-style-type: none"> • Claims are viewed mainly through the lens of law. • Client does not have a choice of the gender of the adjudicator.
<ul style="list-style-type: none"> • Assess the impact of the harm, not the incident itself. In the assessment, include time spent in 'care', and the emotional, physical, psychological and financial impact. • Redress also reflects loss of opportunity – education, career, earning potential and capacity. 	<ul style="list-style-type: none"> • Presumptions within the compensation framework about the impact of abuse without reference to the life of the survivor.

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<ul style="list-style-type: none"> • All governments and institutions release survivors from previous waivers. • Governments and past providers recognise the purpose, inadequacy of payments and context in which previous payments were made. Caution will be applied in the way claims are assessed. • Only a percentage from any past payments made to the survivor will be deducted, especially where a past payment was for all forms of abuse (with sexual abuse included) and not just child sexual abuse. • Payments may represent moral, ethical as well as financial acknowledgement to survivors. • Previous payments to survivors made by agencies such as Medicare and Centrelink are not included in the formula for assessment of payments. 	<ul style="list-style-type: none"> • Eligibility for payment automatically compromised and restricted by previous redress payments or payments under other government programs.
<ul style="list-style-type: none"> • Level of redress is comparable to settlements offered for similar claims and harms. 	<ul style="list-style-type: none"> • For example someone who experiences bullying, or ‘injured feelings’ in the workplace does not have a greater level of compensations.
<ul style="list-style-type: none"> • Older claimants, those who are terminally ill or in poor health are given priority for assessment and payment. 	<ul style="list-style-type: none"> • Redress timeframes and processes do not reflect the reality that survivors’ health is compromised and that premature aging and death may result from their time in ‘care’.
<ul style="list-style-type: none"> • The survivor’s nominee receives compensation in full if the claim is acknowledged or substantiated before the survivor dies. 	<ul style="list-style-type: none"> • Claim dies with the survivor. • Families or nominees receive only partial compensation.
<ul style="list-style-type: none"> • Evidentiary rules and options recognise and support the survivors to give evidence in sensitive ways: <ul style="list-style-type: none"> ○ Options to provide oral evidence are a choice and not mandated in the scheme. ○ Survivors are supported through the claims process. ○ Evidence is not given and sought 	<ul style="list-style-type: none"> • Paper-based evidence required. • Oral evidence required. • Adversarial evidentiary processes.

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<p>in an inquisitorial fashion.</p> <ul style="list-style-type: none"> ○ New evidence may be given. 	
<ul style="list-style-type: none"> • A redress plan is developed from the perspective of the survivor in its initiation, design and implementation. 	<ul style="list-style-type: none"> • Redress is narrowly defined and specific. • Redress plans are standard and template-based. • Development of redress plans are outsourced to an external agency or provider.
<ul style="list-style-type: none"> • Survivors receive priority access to health, housing, dental and aged care services and are designed as a special needs group. 	<ul style="list-style-type: none"> • Survivors are treated the same as other recipients of welfare payments.
<ul style="list-style-type: none"> • Plausibility of the claim is the focus. 	<ul style="list-style-type: none"> • Balance of probability is the focus
<ul style="list-style-type: none"> • Gaps in evidence such as documents are accepted. It is presumed that missing evidence would benefit the survivor. 	<ul style="list-style-type: none"> • Gaps in evidence skew the claimant's entitlement. Missing evidence penalises the survivor.
<ul style="list-style-type: none"> • Hearings and decisions are supported by detailed reasons. 	<ul style="list-style-type: none"> • Accountability is dilute and secretive.
<ul style="list-style-type: none"> • Existing support services for survivors are supported, funded, and form the basis of the support system. 	<ul style="list-style-type: none"> • Further layers of service provision.