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What else do I need to do before I'm judged worthy of redress?

Open Letter to the Prime Minister, from a survivor of child abuse and ex-‘criminal’

The Turnbull Government's proposed exclusion from its mooted redress scheme of those with criminal convictions for sex crimes or any serious crime with a sentence of five years or more is manifestly unjust.

This man is a client. He wrote to me out of frustration and anger that survivors were going to be excluded from redress when already they have been punished, first by institutions of so-called ‘care’, then by institutions of incarceration.

He wanted the Prime Minister to hear his story. We think he deserves to be listened to.

- Penny Savidis, head of institutional abuse at Ryan Carlisle Thomas Lawyers.

Open Letter to the PM

Author: Identity kept confidential

The Royal Commission has recommended that a redress scheme should be set up to offer financial redress to survivors of institutional child abuse. It appears that the Turnbull government wishes to impose restrictions so that those victims who went on to become criminals are not to be considered for compensation.

My story is one that should make such a judgement wrong.

I was made a ward of the state at the age of thirteen and was put away at a place called Billabong, a division of the Turana Boys' Home. While at Billabong I was a victim of molestation by an officer of the staff, and I have made a record of his abuse. So at a young age I was a victim.

After this happened my life spiralled out of control completely. It had been tough already, but after being molested at this government institution I felt shattered and wanted to commit suicide, and harmed myself a number of times.

The only comfort I found at Turana was other inmates. I learned how to survive from older boys which led to a life of crime. Already being a petty criminal at a young age, I continued on in that mode.

I was then victimised at a Salvation Army institution at Bayswater. It seemed I was a magnet for pedophiles. The abuse I suffered at Bayswater was mind boggling and sent me right over the top. I was committing major crimes at the age of 16. Armed robbery, assaults and more. All this while older people I'd been influenced by were committing shop lifting and burgling houses.

I was very angry and when my life of crime got moving at this young age I became a leader among older youths. My parents always tried to convince the courts that I was easily led by older people, but if the truth be known I was more of the ring leader. So was my hate for society. I was angry, I didn't care about my future.

All this happened after the Bayswater abuse, because after the Turana abuse I went bad, but tried to turn it around; even having reports from the welfare authorities that my prospects were looking better and there are reports that I was turning my life for the better, but I was still impulsive and found it hard to think right. I couldn't keep myself away from bother, though I had stopped being a thief and after passing my Junior Technical Certificate after a stint in Turana at the age of 14, I became a worker, gaining an apprenticeship in printing.

I was doing well at that, but committing assault after an altercation I was again committed to a short sentence at Turana Youth Training Centre, after which I was then transferred to Bayswater to do that six months.

I only served a short time of that sentence, but in that time I was raped, bashed, tortured, and traumatised so much that I wanted to die. Nothing was ever going to be right for my life again and even though I went back to my apprenticeship on release; it wasn't to be that I would settle into a normal life free from crime. I was ruined, and though I committed major crimes, such as robbery, I was amazed that I never committed murder; I hated life so much.

Can you understand how my life was?

Nothing was going right in my life. Bayswater, had taken away my future and other things went against me; such as being rejected for National Service. There I was, thinking I was needed and I was willing to be drafted, when many were hating such a thing. Being let down again I became more impulsive and the anger that had built up in me caused me that much frustration that they couldn't even control me in prison. I was continually a pain in the arse for the corrections authorities, attempting escape, assaulting prison officers, serving time in maximum security - doing time in a prison by being locked away in a prison's prison. H Division, for years. Breaking rocks and being bashed again and again by the thugs who worked there.

What I'm leading to here is the fact that I would have been alright in life if it hadn't been for the sexual abuse committed against me, and rejections by the system, so how can you Mr Turnbull judge me as not being eligible for compensation on the grounds of criminality?

I was a system-made problem.

All those years of trauma, even the thought that I could have been infected with AIDS from being raped, fears coming after hearing of Rock Hudson coming out saying he had caught aids from sexual intercourse as a gay man. Doctors telling the world that the Aids bug could take years to develop. Then after all that I was informed that I had a huge chance of becoming a molester myself, because what happened to me could trigger pedophilia in my own personality. Just the thought of that making me want to kill myself, to prevent that.

I played a huge role in the Royal Commission. I went to Adelaide and told my story and punched above my weight there, then I travelled to Sydney and added to what I had done in Adelaide. Only this time the role of the Royal Commission was more about examining certain laws and rules of the court system. I was able to help there, not only as a victim of institutional abuse, but as a defendant in a criminal sense. Where the laws of the court system allowed perpetrators of multiple offences separation of trials. Making it easy for perpetrators to be found not guilty, as was in my case when the pedophile was acquitted from lack of evidence. Though there were five other people telling the same story about the same person in the same year as me.

I made out it was easy to do this but all that time I was traumatised, not only that I was recounting being a victim, not a survivor as some called me; but a real victim who still wanted to keep others from learning of my tragic past.

It is noted that 10% of victims were in prison when interviewed by the Royal Commission; that might be so, but what about the other, probably, 20% that were not interviewed, because they felt belittled by the abuse and didn't want the world to know? And what about the percentage of victims that had died through suicide, while incarcerated, or through being involved in crime?

I could go on with this story for many more pages, but I just want you Mr Turnbull to judge those many victims of institutional abuse who ended up in prison as equals to all other victims, and in some cases more tragic.

In my case I had to tell my wife and children of what happened to me. I had already turned my life around; how I found what I had been looking for most of my life; the love from a good person coming into my life helping me become a good family man and a person my daughters are proud of.

The context of this letter - Penny Savidis

The Turnbull government's proposed exclusion from its mooted redress scheme of those with criminal convictions for sex crimes or any serious crime with a sentence of 5 years or more is manifestly unjust. See our previous blog: Redress Scheme will deny compensation to many survivors.

The Royal Commission into Institutional Responses to Child Sexual Abuse had conducted private sessions with 6,875 survivors as at 31 May 2017. Of those survivors, the Commission recorded that 10.4 per cent were in prison at the time of their private sessions. Assuming that each survivor was serving a prison sentence of 5 years or more, this would mean that 715 of those who attended private sessions with the Commission would be excluded from redress on the basis of their convictions.

It is well documented that one of the effects of child sexual abuse can include imprisonment¹. Longitudinal studies have also shown that childhood abuse can considerably enhance the risk of survivors resorting to crime and violence later in life, although such criminal involvement tends to decline as they approach early adulthood².

Given the survivors who spoke with Commission were reported to take 23.9 years on average to disclose their abuse, it can be assumed that many would have stopped offending at the time of speaking to the Commission. The above figure of 715 would therefore likely be a gross underestimate of those who would be excluded by the government's proposed exemption of those with criminal sentence of 5 years or over.

Previous research by the Australian Institute of Criminology in 2012 has found that childhood sexual abuse survivors were almost five times more likely than their peers to be charged with an offence³. That study did not focus on survivors of institutional child abuse, but research conducted in Victoria in 2007 found that, of a sample of children aged over 10 years old and living in out-of-home care, 21 per cent had experienced police contact in the previous six months, including having been charged with a criminal offence or being cautioned or warned by the police⁴.

In its Final Report (at page 14), the Commission stated:

The majority of survivors who were in prison when we spoke to them described entrenched disadvantage when they were growing up. From a young age, many were subjected to multiple types of sexual and other abuse. In the absence of any protective adults, they had learned to take care of themselves. Many had come to the attention of police and welfare authorities, when on the street or otherwise trying to fend for themselves. As children these survivors were frequently moved in and out of out-of-home care placements, sometimes homeless, and often spent time in youth detention. Many said youth detention centres were violent places and physical abuse of children by staff was tolerated as a means of enforcing rules. Frequently, we were told that the institutional cultures of youth detention and prison made it impossible to disclose any kind of abuse, especially to authorities and police.

The proposed exclusion of survivors with criminal records from redress has not been formally included in the government's redress bill. To include such an exemption would effectively punish survivors again for crimes for which they have already served the time.

We encourage readers to voice your opposition to the suggested exclusion of those with 'lengthy' criminal records by contacting the offices of Malcolm Turnbull:

The Hon Malcolm Turnbull MP

Prime Minister
Parliament House
CANBERRA ACT 2600

Footnotes

1. Royal Commission into Institutional Responses to Child Sexual Abuse, Interim Report Volume 1, 2014, p. 117.
2. <http://insight.vcross.org.au/the-role-of-out-of-home-care-in-criminal-justice-outcomes>
3. <http://www.sciencedirect.com/science/article/pii/S0145213417300066>
4. S Wise & S Egger, The Looking After Children Outcomes Data Project: Final Report, Australian Institute of Family Studies, prepared for the Department of Human Services Victoria, 2007, p. 15.

Categories: Sexual Abuse, Institutional Abuse, Child Abuse, Redress, Government

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