*Identity withheld* *21/02/2023*

I have a psychosocial disability as a consequence of my childhood. I am also a proud First Nations woman, unfortunately with no connection to my people and culture due to my childhood. I am unsure, however, why the inquiry would wish to limit the scope of feedback to these two cohorts. It seems inappropriate to me, to silence everyone else at any time, given the nature of their experiences.

I made an application to the National Redress Scheme in 2020. Due to Covid-19, it took a very long time for them to process my submission. Eventually, when I was made an offer about a year later, the outcome felt like a slap in the face.

I included two sexual abuse “incidents” in my submission – the first occurred in a private residential children’s home when I was 7 years old. The second was ongoing between the ages of 9 and 12, while under the supervision of a government department. I was a State Ward when these incidents occurred. The private institution and the government department were both ruled responsible for the first incident. The second was found to be the responsibility of the government department.

The first incident met all of the National Redress Scheme criteria. The second did as well.

I should have received the maximum amount of redress compensation. This was acknowledged by the Redress Scheme. Indeed, I was offered $30,000 to be paid by the private institution, with the remainder of $120,000 being due from the government department.

However, twenty years earlier, I had received a settlement from a prior civil suit against the aforementioned government department. My prior case referred to a long list of other extreme abuse (of thirteen various types explicitly stated, including being locked away in a room for three years, starved, beaten, tortured, threatened with death, and more), that I suffered while a State Ward, as a direct result of a careless decision made by a department social worker. As I had mentioned sexual abuse amongst the list of those other abuses, the Redress decision maker indexed the entire prior settlement amount, and then deducted the new total from the $120,000, leaving zero.

My total final offer was then $30,000 to be paid by the private institution.

As I understand it, under the law as it is currently written, if prior payments are not broken down into compensation *per abuse type* in the original settlement documentation, decision makers are required to deduct 100% of prior settlement amounts from the Redress offer (after indexation). I did provide the Statement of Claim from my original case, which detailed the list of abuses. However, from what I have been able to discern, the Redress decision maker would have been required to deduct the entire amount under the law, because my prior settlement amount is not broken down into amounts per abuse type in the actual settlement documentation.

Consequently, even though the sexual abuse is (calculated in the simplest terms as one item in a list of thirteen), only one thirteenth (7.7%) of the total list of abuses I suffered and was compensated for, the National Redress Scheme rewrote history and relabelled all of my childhood abuses in that previous claim as being 100% sexual abuse.

*Identity withheld* *21/02/2023*

The Redress decision was an effective nullification of my history and my prior case, including the seven years of work and immense associated challenges that went into that outcome. The deduction came across as negating, minimising, and gaslighting. It was disrespectful of the magnitude of my historical abuse. Sexual abuse is a terrible experience with lasting consequences, but many of the other things I endured were worse. To have all of that ignored was entirely unjust, as well as disrespectful of the very painful expression of my lived experience. My prior claim was never about sexual abuse. At the time I chose to mention sexual abuse because it was a part of the story and I did not want to leave anything out, but sexual abuse was most certainly not the focus. The National Redress Scheme stubbornly denies this, because of the way the law is written. It is offensive to me that the sexual abuse has now been inflated to be so big that it erases everything else. It is also offensive to me that, in some sick distortion of events, I now have to downplay the sexual abuse in order to express the enormity of the other abuses.

The National Redress Scheme should never be a process that denies a person's history.

Logically, it would be safe to assume that most settlement offers people have received historically under civil cases would not have been broken down into abuse types, as they would have been a nominated total figure offered to cover the whole claim. Therefore, anybody who has had a prior claim settled, and who mentioned sexual abuse in that prior claim, will now have the total settlement amount deducted from their current Redress offer. This is unless of course, they are fortunate enough to have the elusive breakdown of amounts per type of abuse included in their settlement documentation.

It is bizarre to me that mentioning the second 'incident' has actually left me worse off than if I had left it out. I now wish I had only mentioned the sexual abuse that occurred in the private institution. As it was not part of my prior civil claim, under the Scheme I would have been eligible for the full $150,000 for that one incident. Originally, I had only intended to claim for the first incident, but I was advised by the advocate who assisted me with my submission, to include the second as well. Now there is nothing I can do to fix it. I have been unfairly disadvantaged by this advice, and by the law which excludes me.

After the offer, I requested a Statement of Reasons from the Scheme. It took a full year for this to come through to me, which is far from acceptable. The explanation I have given above was not clearly stated in the reasons and it has taken significant work for me to come to understand what happened. At that time I submitted a detailed request for a review of the decision, with support from the Knowmore Legal Service. The new outcome letter was exactly the same, almost word for word. It appeared to be copied and pasted in parts.

After that, the Knowmore Legal Service essentially told me by email, late on a Friday afternoon, that there was no point in them going further with my case. I have not heard from them since.

At that point in time I was devastated, felt abandoned and re-traumatised, and wished I had never applied to the Scheme in the first place.

I now feel caught between a rock and a hard place. Under the rules, I am unable to withdraw my Redress submission and then reapply including only the first incident, or else I would do so. I can reject the $30,000 offer in order to make a stand, but then I am the one being punished. If I accept the offer, I will be unfairly missing out on $120,000 and I will not be allowed to come back to improve my outcome at a later date. If it wasn’t such a large proportion of the potential total (80%), I might have been able to mentally write it off and move on. But $120,000 is a great deal of money which would have a big impact on my life, and I feel I should make my best effort not to miss out on it.

It is my view that the law should be updated to be more inclusive of the cohort of people who have made prior claims regarding historical abuses. It should also be modified to include the option for people such as myself to come back and have a process where we can resolve unfair deductions/offers.

This part of the legislation is currently abusive to some of the most vulnerable Australians, who most often will not have the tools to be able to fight for justice for themselves when they miss out on an appropriate redress offer.

We have been through enough.