



Hon Ann Bressington MLC

Parliament House
North Terrace
ADELAIDE SA 5000
Phone: 08 8237 9596
Fax: 08 8237 9534

MEDIA RELEASE

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Victims of Abuse in State Care Must Have Their Needs Met

Independent MLC Ann Bressington has today expressed her sincere disappointment with the victims of abuse in State care compensation scheme foreshadowed by the Attorney-General, Hon Michael Atkinson.

“From the details released so far it is clear the redress the Attorney-General is offering will not meet the needs of victims of abuse in State care,” Ann Bressington said.

On Sunday the 18th of October 2009 the Attorney-General announced that a compensation scheme would be established for victims of abuse in State care providing payments of up to \$50,000. The Attorney-General reportedly stated:

“We are going to be compassionate and generous and we have made provision of millions of dollars for ex-gratia payments under the Victims of Crime Act.”

The compensation to be made available to victims of abuse in State care is the equivalent to that available to other victims of crime.

“To argue that victims of abuse in State care are equal to other victims of violent crime is to ignore that the State was the perpetrator,” Ann Bressington said.

“Any compensation payments made must reflect that it was the State who perpetrated against these victims. This is not the State compensating victims for another’s crime but for its own.”

“I call upon the Attorney-General to increase the maximum compensation amount available to \$80,000.”

This follows Ann [last week revealing](#) the Premier’s deception when he stated in a [press release](#) on the 2nd of April 2008 that:

“Any person who was sexually abused while in care, is eligible to immediately seek compensation through the Victims of Crime Fund.”

This was demonstrably false, which is verified by the establishment of the scheme foreshadowed by the Attorney-General.

“By deceiving victims about their entitlements, this Government has shown that it puts good PR before the victims’ needs,” Ann Bressington said.

Given this Government's demonstrated lack of concern for victims, Ann holds grave concerns that the scheme's guidelines, which are yet to be released by the Attorney-General, may attempt to further limit the entitlements of victims.

"The Attorney-General must not use this as an opportunity to protect the interests of the State. To do so would be to re-abuse these victims." Ann Bressington said.

"Receipt of a compensation payment must not be conditional upon a victim entering into a confidentiality agreement or forgoing other legal entitlements, such as a claim for a breach of duty of care by the State."

"The Attorney-General's scheme must also recognise that abuse is still occurring. If the Attorney-General imposes an age restriction on accessing compensation, he would condemn today's victims to fighting in the future for redress. Today's victims are just as deserving as those perpetrated against in the 60's or 70's."

Ann also called upon the Attorney-General to be lenient in any requirement on the formality of applications.

"The scheme established must be flexible enough to allow victims to prepare their own application and not have to engage a lawyer. Compensation must go to victims and not their lawyers."

Ann Bressington also expressed her disappointment that the compensation scheme would be introduced via policy instead of through the Parliament in the form of an amendment to legislation or regulation.

"This is one of the most important issues that Parliament can debate and agree on, yet the Attorney-General is attempting to shirk Parliamentary accountability by introducing the scheme through policy," Ann Bressington said.

"I call upon the Attorney-General to do the right thing and abandon his plans to avoid the Parliament and instead introduce the scheme through a Bill. Such a Bill would be treated as a priority and passed before the end of the year. If the scheme to compensate victims of abuse while in State care is as compassionate as the Attorney-General says, what does he have to fear from the Parliament."

For more information please contact Hon Ann Bressington MLC on 0448 887 277.