

From: [Policy MailIn](#)
To: [REDACTED]
Subject: FW: Setting Aside Settlement Agreements
Date: Wednesday, 15 April 2020 3:02:19 PM
Attachments: [REDACTED]

From: [REDACTED]
Sent: Tuesday, 14 April 2020 9:24 PM
To: Policy MailIn
Subject: Setting Aside Settlement Agreements

Dear Sir/Madam

I am writing this submission for my son [REDACTED] who was sexually and physically abused by [REDACTED] when he was a student of their [REDACTED] school when he was 11 years of age in 1982/83. [REDACTED] was jailed in 1997 for his sexual abuse of [REDACTED] and served a prison sentence of 9 months which [REDACTED] said was far too lenient.

I assisted [REDACTED] to make a submission to the Child Abuse Royal Commission in 2013 after which [REDACTED] and I met with [REDACTED] to tell our stories relating the abuse of [REDACTED]. Subsequent to this in around 2014/15 the Royal Commissioners requested further comments from victims as to their own personal experiences, a copy of which is attached.

Over the years we went through ten years of legal proceedings starting in 1991 with a number of law firms. [REDACTED] had expressed to me his disappointment with how his matter was handled (multiple delays by the Order) and then to be told in 2001 that there was no defendant. We were advised by our lawyer and barrister to accept an offer which on the face of it seemed quite unlike what [REDACTED] had been promised.

Once the legal fees, court fees, doctors accounts, medicare, unemployment payments and the return of the Victims Compensation amount was deducted [REDACTED] was left with around \$190,000 to last the rest of his life. After we abandoned the court hearing in February 2001 a few weeks later another case of physical abuse of [REDACTED] (then as a schoolboy) was handed down in the NSW Supreme Court for almost \$3 million (later reduced on appeal) after two sets of strappings at a [REDACTED] in 1984. To learn of this just weeks after his own abandoned court case, left [REDACTED] in a place where he suffered even more from his post traumatic stress condition. Please refer to attached article.

I have files containing any of the documents that may be necessary to allow [REDACTED] another chance to go to court to help him buy the house in the country that he was hoping to get from his court case. As it stands, having discussed this with two lawyers, the hand-written document [REDACTED] signed in the hurried conference when he received his payout had a clause that he not discuss his matter. This condition was told that he had no further option to pursue a case. [REDACTED] did receive a formal Deed of Release from the church's lawyers in 2001 but in it were many clauses of non-disclosure as well as exoneration of the brothers of the order which would have included [REDACTED] refused to sign this deed.

For the reasons stated above and those in [REDACTED] attached document I would appreciate if you would consider his case and advise if you require any further information. I can be contacted as set out below.

Yours sincerely

[REDACTED]

email: [REDACTED]

Mobile: [REDACTED]

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ROYAL COMMISSION CHILD ABUSE

Name: [REDACTED]
Address: [REDACTED]
Submission type: I am making a personal comment
Email: [REDACTED]
Contact number: [REDACTED]
Preferred method of contact: as above
Date: 19 February 2015

My comments:

I have already lodged my submission to the Commissioners of the Royal Commission in 2013 after which I attended a personal meeting with [REDACTED], [REDACTED] at the [REDACTED] in April of that year. My mother [REDACTED] [REDACTED] also attended with me.

My mother is writing this comment on my behalf as I have dyslexia and find it hard to read the reports the commissioners have provided on the website and write at length.

I am a victim of sexual abuse by a former [REDACTED] of the [REDACTED] [REDACTED] whilst I was a student at the [REDACTED]' school at [REDACTED], near [REDACTED] [REDACTED] was jailed for 9 months in 1997 in [REDACTED] for the abuses against me, a sentence which I found to be extremely lenient after what happened to me over the year and a half I was a boarder at the school.

My full story in contained the submission already provided but I wanted to point out something that has played on my mind all the time since I received a payout from the [REDACTED] which left me feeling that I did not receive justice at all even after my court case which ran for 10 years by many lawyers to the point when in 2001 just two weeks before I was to go to the Supreme Court my lawyers said they would not advise me to go to court because if I lost I would have to pay the Order of [REDACTED] legal bill which would run into tens of thousands of dollars and also that the [REDACTED] church had their money tied up in trust funds and could not be sued.

I felt I was being ambushed so reluctantly accepted a payout but I felt I really needed to have my day in court so that all the facts were on the table and a Judge of the court could make a fair decision on my behalf. It would have also brought my case to public notice rather than hidden away. I have suffered greatly from the result of the abuses on me in both my work life and my personal life.

My feelings were made worse when in 2001 just after I reluctantly accepted the inadequate payout and the dismissal of the court hearing which we had worked so hard for, I learnt in the newspapers that another boy, now [REDACTED], as a school boy in a [REDACTED] school, had received eight strokes of a strap on the hand at [REDACTED] in March 1984 leaving him with a permanent hand disability. Whilst not minimising the pain and suffering caused to that victim, I find that comparing it with the sexual abuse of me by [REDACTED] over one and years to be so blatantly unfair. [REDACTED] received compensation of \$2.5 million which even though reduced on appeal seemed out of all proportion to the amount I received.

Taking the above into account, I would like to have my case return to the Supreme Court so that all the medical reports (6) that caused me so much stress in the retelling can be looked at and not wasted, have the amount of compensation reconsidered, and enable the civil court system opened up to cases of sexual abuse by priests of the [REDACTED] and other institutions.

\$3m strapping: juries may lose power to award

The State Government is reviewing whether juries should decide how much is paid in damages after almost \$3 million was awarded to a man who was given the strap at school 17 years ago.

The Attorney-General, [redacted] said a report into damages awarded in civil cases would also consider whether a cap should be imposed on payouts.

In the NSW Supreme Court on Wednesday, a jury of two men and two women found that the two sets of strappings [redacted] 30, received at a [redacted] school in 1984 were wrongful acts, leaving him with a permanent hand injury.

The jury, which then had to determine how much money he deserved, awarded him \$2.5 million - more than lawyers for [redacted] had sought.

Yesterday the total sum was increased to \$2.95 million after the interest and superannuation components of the damages award were decided.

Justice Woods, in the Supreme Court yesterday, also granted a stay on the claim for damages on condition that an appeal was lodged within 21 days and that [redacted] be given \$500,000 of the money.

A spokesman for the trustees of the [redacted] cese said legal advice was being sought, but an appeal was likely.

The shadow attorney-general, [redacted] said damages should be set by a judge to stop excessive payments and to ensure consistency. Caps should also be set, similar to the Motor Accidents Act.

"There just needs to be some level of control," [redacted] said. "If a church gets a bill for \$2.5 million, that's the cost of a



[redacted] as a schoolboy. He has been awarded \$2.95 million for injuries caused by being strapped.

THE GOING RATE FOR COMPENSATION

- [redacted] 8, suffers burns to 70 per cent of his body after being doused with petrol in 1996. Compensation: \$75,000
- Three people injured in the Port Arthur massacre: between \$40,000 and \$135,000
- An apprentice boilermaker is left with a permanent hand injury and brain damage after a work accident: \$395,000
- A 29-year-old man is left a quadriplegic after a work accident: \$300,000
- A man suffers brain damage in a work accident: \$404,000
- A boy breaks his neck playing touch football at school and is left confined to a wheelchair: \$3 million

The president of the NSW Law Society, [redacted] disagreed. "I would be sad to see juries go because I think they can often be a reflection of what the community thinks the damages should be."

[redacted] said any proposals to change the role of juries in civil matters would need to be discussed "widely and thoroughly with the community".

"There are some broad issues worth examining," he said.

The vice-president of the Plaintiffs Lawyers' Association, [redacted] said that while juries did not always get it right, they were an essential part of the civil system. "You take ordinary people off the street and place them in the role of deciding important issues. They are the voice of the community."

He said there were disparities in compensation, with victims of crime and quadriplegics receiving "ridiculously low" payouts.

The award of \$700,000 for general damages to compensate [redacted] for pain and suffering was the highest in the State. The previous highest award for general damages was in 1996 when a man with brain damage was awarded \$404,000, [redacted] said.

The NSW Parents and Citizens' Association welcomed the award of damages to [redacted]

The association's president, [redacted] said it showed how private schools had been avoiding their responsibilities to students.

NSW banned corporal punishment in schools in 1995.

Independent schools which refuse to adopt a policy of no corporal punishment face deregistration by the NSW Board of Studies.

The media won an application in court yesterday to use a school photo of [redacted] which was tendered on the second day of the two-week hearing.

When the hearing began [redacted] wanted his name suppressed - which was refused - and did not want the photo released.