

Recognition, reconnection, and renewal: The meaning of money to sexual assault survivors

Robyn L Holder and Kathleen Daly

Griffith University, Australia

Authors' Note

This research was supported by an Australian Research Council Discovery Grant [DP130103775].

Acknowledgements

We would like to thank the women and men who generously shared their time and perspective for this research. We also thank the staff at Victim Assist Queensland for their support and assistance in carrying out the research.

Corresponding author:

Robyn Holder, Griffith Criminology Institute, Mt Gravatt Campus, Griffith University, 176 Messines Ridge Road, Mt Gravatt, Queensland 4122, Australia.

Email: r.holder@griffith.edu.au

This is a pre-publication version (revised 2 Nov). The article was accepted for publication on 2 Oct 2017 in the *International Review of Victimology*, DOI: 10.1177/0269758017739372

Please refer to the published version when citing.

Recognition, reconnection, and renewal: The meaning of money to sexual assault survivors**Abstract**

Money as recompense for crime is variously described as making victims whole, restoring them to their pre-victimisation status, recognising the harm done, and facilitating closure and healing. This article explores the meaning of money to survivors of sexual victimisation and its place in their lives. Drawing on interviews with 20 female and male victims who applied for financial assistance to a state-administered scheme in Australia, we examine their motivations for applying, their reflections on the money received, and how they spent it. Claimants can receive two types of money in the overall financial assistance award: one for eligible expenses (or ‘economic loss’) and another, the ‘special assistance’ payment (for ‘non-economic loss’ or what is termed ‘pain and suffering’), the latter which they can spend in any way they wish. Most survivors applied for financial assistance because they required financial help, but upon receiving the ‘special assistance’ payment, half said it meant acknowledgment by others. They spent this money on practical things, alone or in combination with items related to self-renewal and savings. In jurisdictions having a payment for ‘pain and suffering,’ we argue that its meaning is better conveyed to survivors as symbolic recognition of the wrong rather than a token recognition of the harm or injuries. If the aim of a scheme is victim recovery, emphasis should be placed on activities that enable survivors to reconnect with others and re-build the self.

Keywords

Victims, sexual victimisation, money, recognition, justice, recovery

Recognition, reconnection, and renewal:

The meaning of money to sexual assault survivors

Introduction

A material or monetised response to victims of wrong-doing has a long history in human society (Schafer, 1970; Wolfgang, 1965). In most liberal democratic countries today, one mechanism for recompense is state-based schemes, variously termed ‘criminal injuries compensation’ (CIC) or ‘financial assistance’, which are available to violent crime victims. A robust literature has considered the strengths and limits of these schemes (e.g., Duff 1998, Miers, 2014a, 2014b), but empirical evidence is sparse on survivors’¹ experiences and perspectives. We analyse interviews with 20 female and male victims of sexual violence, who sought financial assistance from a state-based scheme in Queensland, to address these research questions. What are survivors’ motives in applying? What is the meaning of the money? Does the amount matter? What is the place of receiving the money in their lives? The interviews are part of a larger study that examines decision-making processes and outcomes in a state-based scheme in Queensland, Australia.

This paper has four parts. Part I reviews the three bodies of work: (1) state-based schemes for crime victims and their policy basis, (2) the meanings of money for victims pursuing civil and redress scheme claims, and those related to terrorism and war-related crimes, and (3) empirical studies of victims and state-based schemes. Part II presents the study’s method and broader context of Queensland’s financial assistance scheme. Here we compare the profile of the 20 interviewees with a larger dataset of Queensland financial assistance cases. Part III presents the interviews, and Part IV discusses the key findings, study limitations, and implications.

Part I. Three bodies of literature

A. State-based schemes: a brief history

The first country to establish a state-based scheme for violent crime was New Zealand (1963) followed by Great Britain (1964)² and the United States (California in 1965), and then Australia and Canada (both in 1967).³ Australian legislation was first enacted in New South Wales (NSW, 1967), then in Queensland (1968) and South Australia (1969). By 1983, all Australian states and territories had such schemes.

In Australia, like other countries, early CIC schemes drew upon tort law, a ‘corrective justice’ mechanism that aims to restore a victim to a pre-victimisation status (Duff, 1998; Miers, 2014a).⁴ In tort law, what is called ‘damages’ (money payments) can be made for losses that are *economic* (property damage or loss, medical costs, loss of earnings, among others) and *non-economic* (typically termed ‘pain and suffering’). Early CIC schemes duplicated, but with reduced monetary amounts, the civil law’s dual focus on economic and non-economic loss. Using Miers’s terms (2014a: 119), these early schemes were a ‘civil remedy surrogate’ as compared to those schemes having a ‘welfare function’ (such as in the United States) that award less money, paying only the “‘hard” costs of crime’ such as medical expenses (Miers, 2014a: 121).

During the 1990s in Australia, initial reform of the schemes began. By 2015, significant change had been introduced in four of eight jurisdictions: state-based schemes were made more accessible to a larger number of victims, and payments were termed ‘financial assistance’ not ‘compensation.’⁵ Financial assistance has two components: (1) reimbursement for eligible expenses incurred or likely to be incurred as a result of injuries arising from a violent offence and (2) a capped sum that recognises the seriousness of the offence, with the latter replacing the

older ‘pain and suffering’ component. This shift has been controversial for victims’ groups and their advocates.⁶ In Queensland, the shift from an older ‘compensation’ model (established in 1968, amended in 1995) to a financial assistance model (established in December 2009) saw an increase in the number of victims receiving payments, but a decrease in the overall average payment.⁷

State-based payments to Australian victims totalled AU\$177 million in 2011 (Smith, Jorna, Sweeney and Fuller, 2014: 72) and to US victims, US\$362.4 million in 2014 (US Department of Justice, 2015)—a considerable expenditure of state funds. On what policy basis did governments decide to pay money to victims of violent crime? Two major arguments are made. The first, put forward initially by Margery Fry (1951, 1959), proposed that the state has a responsibility to assist crime victims to recover from injuries that were caused by no fault of their own. The second is that the state has a duty to protect citizens from crime or to prevent the conditions that cause victimisation, an argument that rests on the ‘social contract’ between the state and citizens (Duff, 1998; Lamborn, 1973). Other explanations are that payments may be an incentive for victims to assist the state in prosecuting crime, they may prevent vigilantism and ameliorate stigmatisation of victims, and they demonstrate ‘a sense of public sympathy’ and ‘social solidarity’ with victims (Miers, 2014a: 112; see also Goldscheid, 2004; O’Connell and Fletcher, 2015). Whatever the rationale, the availability of state-provided funds to crime victims is firmly established in the academic, policy, and advocacy literatures. We explicitly do not use ‘compensation’ in referring to state-funded payments to crime victims, despite its common usage by governments, citizens, and in the research literature. Compensation is a term more properly restricted to court-determined civil remedies for personal injuries.

B. Meanings of money

Money as recompense for crime is not limited to state-based schemes for common crime. We briefly sketch other contexts, drawing from research on the 9/11 Compensation Fund (Feinberg, 2005; Hadfield, 2008; Hensler, 2003; Tyler and Thorisdottir, 2003), litigation and redress schemes for historic institutional abuse (Balboni and Bishop, 2010; Daly, 2014a), and reparation for war-related crime (Slymovics, 2014).

Several themes emerge. First, many survivors say ‘it’s not the money that matters’ in pursuing claims. However, what they mean to say is this: ‘it’s not *just* money’ that matters because they have non-economic objectives (Hensler, 2003: 428, emphasis in original). In civil litigation, these are to reveal the ‘truth’ of what happened, for alleged wrong-doers to be held to account and to accept responsibility, and to prevent future occurrence of death and injury (Hadfield, 2008; Hensler, 2003). In redress for institutional abuse, their initial motives are to be heard and believed (*validation*) and for the abuse to be acknowledged (*vindication*) (Daly, 2014a). Second, survivors’ non-monetary aims may be thwarted in the legal process when lawyers for plaintiffs focus single-mindedly on monetary outcomes (Balboni and Bishop, 2010). Ultimately, Hensler (2003: 431) proposes that ‘beyond accountability, ... there is a sense that money confers meaning [and] acknowledgment of what has happened, of what has been lost.’ Likewise, for the 9/11 Compensation Fund, Tyler and Thorisdottir (2003: 360) argue that ‘people often think beyond ... the existence of, or amount of, compensation to whether or not “justice is being done”.’ Thus, seeking and receiving money after victimisation signifies acknowledgment, recognition, and a means towards accountability. Money also has market value and practical significance. For survivors of historic abuse it helped to pay debts and improve daily life (Daly, 2014a). For family members of those deceased or for those injured in the 9/11 attacks, the fund

provided ‘assistance in moving on with their shattered lives’ (Feinberg, 2005: 130). For many years, a Jewish concentration camp survivor refused to accept German reparations, but changed her mind and was ‘ready to accept,’ when she saw the utility of the money to address her health problems (Slymovics, 2014: 12). Thus, money may assist a survivor’s ‘recovery’ from victimisation with its many *practical* uses.

Judith Herman’s (1992/1997: 2, 155, 190) *Trauma and Recovery*, which analysed ‘horrible events’ and ‘traumatized people’—victims of sexual and domestic violence, combat veterans, and victims of political terror—writes critically of some survivors’ desires for monetary recompense. It creates, she says, ‘a fantasy’ of justice within the recovery process. However, given the ‘central task’ of finding ‘reconnection with ordinary life,’ money may support activities to achieve this goal. As Herman (1992) and Brison (2002) remind us, we cannot assume that survivors can be free from the impact of victimisation, but they may be enabled to build a life that incorporates its burden.

C. Victims and research on state-based schemes: a review

Research on victims and state-based schemes is scant, and it has little conceptual coherence and no marked debates. Our search of the empirical literature identified 27 studies that met our criteria of analysing victim-sourced data on common crime and state-funded schemes, alone or compared with other justice mechanisms such as civil litigation. The studies are of three types. The first, which we term ‘access to justice,’ describes victims’ knowledge of or access to state schemes, but gives little or no analysis of outcomes (N=8). The second, ‘experiences of justice,’ analyses victims’ motivations for applying and experiences of process and outcomes, typically using measures of satisfaction (N=13). The third, ‘distress-recovery,’ analyses the negative

psychosocial consequences of violent victimisation and whether monetary schemes can reduce them (N=6). Some authors discuss ‘therapeutic expectations’ or ‘therapeutic’ and ‘anti-therapeutic’ effects of processes and outcomes, using terms from therapeutic jurisprudence. Studies using these terms are in the ‘experiences of justice’ group because they do not use psychological or behavioural measures of well-being.

Our review is of more recent studies (1995 onwards) on victims’ experiences of justice and distress-recovery. Of these (N=10), five are from the Netherlands, and five are from Australia, Canada, and the US. Four focus on sexual victimisation, and all focus primarily or exclusively on state-funded schemes.

The Dutch studies assess the Dutch Violent Offences Compensation Fund, using quantitative analyses of all types of violent victimisation. Three Dutch ‘distress-recovery’ studies are led by Maarten Kunst. He and his colleagues found that half of those awarded money continued to suffer post-traumatic stress disorder (PTSD) symptoms some years after receiving it (Kunst, Winkel and Bogaerts, 2010), the severity of symptoms did not affect whether the amount awarded for ‘pain and suffering’ was high or low (Kunst, 2011), and victims with mental health problems were less likely to be satisfied with the amount awarded (Kunst, 2012)—the latter study raising questions about what lies behind the concept of ‘satisfaction.’ A fourth study, of child sexual assault victims in NSW, found that the size of the award had no relationship to psychological or behavioural measures of well-being 18 months later, and was inversely related to depression and anxiety five years later (Swanston, Parkinson, Shrimpton, O’Toole and Oates, 2001).

Of the six ‘experience of justice’ studies, three are quantitative; of these, Mulder’s (2013) is the most comprehensive. She surveyed 217 successful victim applicants to the Dutch Fund,

24% of whom had experienced a sexual crime. The most frequent reason for applying was financial (44%), followed by ‘therapeutic expectations’ (25%).⁸ Just over 60% of victims were satisfied or very satisfied with their total award. There was no relationship between the amount of money received and ‘outcome’ or ‘procedural satisfaction.’ Of many variables analysed, ‘procedural matters’ were more often related to satisfaction with the money awarded, and the strongest predictors were the applicant’s contact with the Fund and a quicker decision time. In analysing the symbolic value of the money, Mulder identifies two dimensions: social/external and personal/internal. The former she associates with a societal affirmation of the victim as innocent, deserving the award, and a form of justice; and the latter, with supporting the victim emotionally, being acknowledged as a victim, and helping the victim to cope. The amount of money a victim received did not relate to either dimension.

Kunst, Koster and Van Heugens (2017) investigated how satisfaction with the services provided by the Dutch Fund may be mediated by victims’ prior expectations of how they would be treated and what they might receive. Victims were interviewed by phone before and after they had received the money. As the authors had expected, victims’ satisfaction with the Fund was related to more positive evaluations of how they were treated by Fund workers, receiving information, and a speedier decision. Victims’ satisfaction was also related to the fact that their request was approved, but it was not related to the amount they received or their evaluations of it. The authors interpret the latter finding as reinforcing Mulder (2013): it is not so much the amount of money but ‘some kind of recognition for the harm suffered’ (Kunst et al., 2017: 3036).

A national phone survey of US victims by Newmark, Bonderman, Smith and Liner (2003) found that 78% said the outcome was ‘fair and reasonable’ and that 78% received it in a

reasonable amount of time. The authors carried out a multivariate analysis of factors associated with victims' 'positive assessments,' a variable constructed from 12 items tapping process and outcome. More positive assessments were significantly associated with quicker processing times and claimants who had more of their claimed expenses paid—results we might have anticipated. Less clear is why positive assessments were significantly associated with white and female applicants. The authors could not analyse amounts received.

Three interview studies, one from Australia (Victoria) (CASA House, 1997) and two from Canada (Ontario) (Des Rosiers, Feldthusen and Hankivsky, 1998; Feldthusen, Hankivsky and Greaves, 2000) probe survivors' experiences, using qualitative methods. All were of survivors of sexual violence. The Australian study was carried out when Victoria used a compensation model. It highlighted survivors' relief in '[being] believed. ...The award ... represented an official vindication of their own account of the assault and its consequences and that the State was, in this way, offering a formal gesture of recompense' (CASA House, 1997: 62). Most (77%) were positive about the amount of money they received (p. 61). Although they emphasised the incommensurability of the monetary amount with 'what had happened,' it also meant 'recognition' and 'acknowledgement' (pp. 88-89).

The two Canadian studies use a therapeutic jurisprudence framework. The first analysed interviews of 24 sexual assault survivors who sought state-based CIC.⁹ Most pursued the claim for 'public affirmation of the wrong,' followed by 'justice or closure' (Des Rosiers et al., 1998: 442). In the second study, with a larger number of 48 CIC claimants,¹⁰ a high share (82%) said that they 'were seeking public affirmation of the wrong or closure.' They 'wanted to be heard and to have their experiences acknowledged as hurtful and wrong' and to 'receive affirmation of wrong from a person in a position of power' (Feldthusen et al., 2000: 75-76), which the authors

interpret as survivors' 'therapeutic expectations.' The authors also call attention to the practical ways that survivors spent the money: to pay for counselling, further education, and family care, to purchase a car, or to put the money towards children or the future (2000: 79, 99).

D. Victims and research on state-based schemes: a critique and summary

We often find that research is marred by a conflation of terms associated with justice and recovery (the latter is also termed well-being or closure). Some collapse 'justice' and 'closure' as one (Des Rosiers et al., 1998: 442). Similar examples come from Feldthusen et al. (2000: 75), who combines 'public affirmation of wrong *or* closure;' and Mulder (2013: 52), who combines 'acknowledgement as a victim *and* finding closure' (our emphases). These terms are significantly different: terms associated with justice (recognition, public affirmation, acknowledgment) are outward facing, but those associated with closure are more inward looking. Although the two should not be conflated, they may be related: *justice* experiences may have positive (or negative) effects on a survivor's well-being. The literature may use clinical classifications or measures, or more amorphous (and poorly defined) terms such as 'therapeutic,' 'healing,' and 'recovery.' Therapeutic is used as a catch-all term, which does not distinguish victims' *justice aims* from the impact of different justice mechanisms on their *well-being or recovery* from crime (Daly, 2014b).

To summarise, the scant empirical literature on state-based schemes suggests that amounts of money awarded to victims are not related to reductions in PTSD or other measures of survivors' well-being, a result we would have anticipated from Herman (1992/1997). When the question is asked, studies find mixed results that victims are 'satisfied' or 'positive' with outcomes. However, the basis for positive judgments may not be the actual amount received, but

other factors, such as the timeliness of receiving an award or interactions with fund staff; or the judgment may reflect some other condition of the victim. Seeking and receiving acknowledgment for the crime are common themes, but money also has practical uses. Part III relates these findings to the survivors we interviewed, with a focus on their motives for applying, what the money meant, whether the amount mattered, and the place of money in their lives.

Part II. Context and method of the Queensland study

A. The Queensland financial assistance scheme

In December 2009, financial assistance (FA) replaced the CIC scheme in Queensland.¹¹ The CIC, described as a ‘bureaucratic farce’ (Davies, 1991: 24), required that a victim make an application to the court after an offender was convicted. The FA scheme transferred the application and decision process to a government administrative unit called Victim Assist Queensland (VAQ). FA is available to direct (or *primary*) victims of physical and sexual violence¹² as well as ‘secondary victims’ (parent of a primary victim or a witness victim) and ‘related victims’ (dependent or close family member of a person who died). Our paper focuses on primary victims of sexual violence. Of the primary victims receiving awards during FY 2011 to 2016, sexual offence cases were, on average, 20% of cases.

Eligible expenses for primary victims are counselling, medical and dental, travel (for counselling and medical/dental appointments), damage to clothing, loss of earnings, reporting, what is called ‘exceptional circumstances,’¹³ and capped legal costs. To apply, a person must have been a victim of an act of violence occurring in Queensland, and have reported it to the police except for sexual offences or other reasons, such as being a child or vulnerable victim. *All* primary victims receive *special assistance*, which is referred by VAQ staff as the ‘recognition

payment.’ We shall use the terms interchangeably.¹⁴ The recognition payment is based on four categories of violence, and sexual offences are in two top tiers: category A, AU\$5,000 to \$10,000 (offences of rape and ‘maintaining a sexual relationship with a child’ [more serious, on-child sexual abuse]) and category B, AU\$1,301 to \$3,500 (offences of sexual assault and indecent assault [less serious child sexual abuse]). In deciding the recognition payment at the time of our study, the assessors first classify the sexual offence as being in category A or B; and then, they determine the amount within the band.¹⁵ For primary victims, the combination of this payment and expenses may reach a maximum of AU\$75,000, plus \$500 for legal expenses.¹⁶

The legislation does not give a rationale for special assistance. However, one stated aim is ‘to give the victims amounts representing a *symbolic expression* by the State of the community’s *recognition* of the *injuries* suffered by them’ (Victims of Crime Assistance Act [VOCAA] section 3(2)b, emphasis added). This payment is a lower-cost administrative version of tort’s ‘pain and suffering’ component, although it is not termed as such. It can be spent entirely as a victim wishes,¹⁷ whereas expense categories are restricted.

B. Method

The larger project, Financial Assistance and Victims’ Experiences (FAVE), has three studies, all of which focus on sexual offences only: Study 1 is the FAVE dataset of recipients of FA and the assessors’ reasons for decisions (N=291), Study 2 is an online survey of those receiving FA (N=49), and Study 3 is interviews of FA recipients (N=20), the subject of this article. The FAVE dataset has de-identified information of all applications to VAQ, which were lodged between 1 July 2012 and 31 December 2013 by primary victims of a sexual offence, for which a payment was awarded during that 18-month period.

For Study 2, the VAQ office emailed 164 survivors, inviting them to complete an anonymous online survey. This sample was at least 18 years old at the time they applied for FA and could be contacted by email.¹⁸ The 49 survey respondents were then invited to participate in an interview. Study 3 comprises 20 people who completed the interview face-to-face, by phone, or by email from October 2014 to November 2015.

C. Profile of FAVE, reduced FAVE, and interview sample

Table 1 lists key variables against which we can compare the FAVE dataset of all cases (N=291) (col. 1), the reduced FAVE dataset with those 18 years or over when they applied for FA (N=167) (col. 2), and the interview sample (N=20) (col. 3). A striking feature of the FAVE dataset is that a high share (78%) were victimised as children or youth (under 18); furthermore, a substantial minority (43%) was less than 18 years at victimisation and when their application was lodged (for many, this was by a parent).¹⁹ The relevant comparison group for the interview sample is the reduced FAVE dataset of those who were at least 18 at the time of application—the parameters we used to identify the interview group. Col. 4 shows whether or not there are statistically significant differences between these two groups, using a relaxed error level of $p < 0.10$, with the small number of interview cases.²⁰

The interview group differs from the reduced FAVE dataset in having no Aboriginal or Torres Strait Islander participants (compared to 15%) and a higher share of those victimised as adults (60%, compared to 39%). Age differences at victimisation spill over to the victim-offender relationship and offence category variables, with the interview sample having fewer cases of victimisation by family members or relatives, which is related to a lower share for the offence of maintaining a sexual relationship with a child; however, neither is statistically

significant. The average recognition payment is almost identical for both groups (about \$7,800), with a similar share receiving the maximum of \$10,000. The total, including expenses, is somewhat higher for the interview group (\$11,901), as is the share who received expenses (75%); but neither is statistically significant. The interview sample differs in age of victimisation, but the two groups are similar for the money variables.

TABLE 1 ABOUT HERE

D. Interview questions

The interview canvassed a wide set of questions about survivors' experiences with financial assistance. In this paper, we consider the following:

- why they applied for FA;
- categories of expenses awarded, amounts received, and what expenses they would have applied for (in retrospect);
- what the recognition payment meant to them and how they spent the money; and
- overall judgments of financial assistance, including perceptions of fairness.

We considered using other measures in the interview, such as those from procedural and distributive justice, and scales measuring belief in a just world. Ultimately, the more relevant variables were the symbolic value of state-based recompense to victims, drawn from Mulder (2013), and those for survivor well-being from Meyer (2014).

III. Interview findings

A. Profile of participants

Adding more depth to Table 1, the 16 female participants (80%) were all assaulted by an adult male. Of the 12 victimised as adults, all were female. In 10 of 12 of these cases, the offender was

an immediate family member or relative (ex-partner, brother-in-law), well-known (friend, family friend, neighbour, housemate), or known by sight (professional, community leader, or from the area); but in two, the offender was a stranger. For the eight victimised as children, four were male and four, female. All the males were victimised by a non-family member (family friend, neighbour, professional worker), but three of four females were victimised by family members (stepfather or father).

Of the four who said they had a disability, this related to mental health. Most had post-secondary education qualifications (55%) and rented their home (60%). Less than half were currently employed full or part time (40%); and of this group, half were professional or managerial workers, and half, clerical or service workers. All reported the offence to the police, although this is not a requirement for sexual assault victims applying for financial assistance.²¹ Of the 17 cases that went to court, 11 resulted in a conviction.²²

B. Motivations to apply

Survivors were assisted or encouraged by others to apply, but most were initially ambivalent. One said, 'I was a bit hesitant because ... I didn't want anyone to think that I was going for the money'" (#7); a second, 'I felt guilty about applying ... it wasn't comfortable;' and a third, 'I didn't want to apply. I felt like I was being paid for being sexually assaulted' (#16). Later in the interview, half agreed with the statement that they were 'entitled to financial assistance,' one-third had mixed views, and 20% said they were not entitled, or as one woman said, 'I just didn't want taxpayers to be having to pay for what had happened to me that someone else had done' (#6). As other research finds (Gardner, 1990; Shapland, Wilmore and Duff, 1985; van Dijk, 1985), most (65%) said that they would have ideally preferred the offender to pay.

In deciding whether to apply, some initially rejected their status as victim, saying for example, ‘I don’t like asking for help’ and ‘I didn’t want to be a victim.’ Others wondered if they were eligible or worthy of applying. A young man abused as a child by a family friend explained his reluctance:

Well, I suppose in my case because it happened so long ago and it’s really hard for evidence and stuff like that, it was just a worry that ... people could think that the [money] was the only reason why I did it, [why I] finally spoke out. (#7)

Others rejected the usefulness of money in relation to what they had happened: ‘money won’t help,’ said one woman (#1).

In time, ambivalence gave way to the need for financial help. As Mulder (2013: 51) found for applicants to the Dutch Compensation Fund, the most frequent reason Queensland survivors gave for applying was financial help (85%). ‘I really needed it at the time,’ said a young woman whose housemate had raped her (#20). She had been working in the fast food industry and could not maintain her work shifts. Friends provided her with temporary place to live, but her financial capacity to find new, more stable accommodation was extremely limited.

Of nine who were assaulted as adults and working at the time, most mentioned the negative impact of the victimisation on their job. One woman had to take time away from work, which used up all her leave entitlements (#19). Another said she experienced ‘enormous career losses’ (#12). A third, who was raped by a friend, could not hold down her job. She ‘didn’t want to apply [for financial assistance], but couldn’t pay the rent’ (#6). For the 14 others citing financial need, their expenses included physiotherapy and medical attention (#8, 12), counselling (#1, 11, 9), relocating to a new place and safety (#2, 5, 16, 20), and family or children’s expenses (#7, 14, 15, 17). One said simply, ‘I was in a desperate situation’ (#13).

The three who did not give financial need as the main reason (#3, 4, 10) spoke of seeking acknowledgment or justice. All three had been subject to on-going abuse as children, two women by their father and one man by a neighbour.

C. Money received

All primary victims of violence receive a recognition payment. However, not all receive a payment for expenses. Expense payments were more likely awarded to those victimised as adults than children in the interview sample (92% and 50%, respectively) and in the reduced FAVE dataset (77% and 54%, respectively). These differences result, in part, from the state's viewing the 'costs of crime' as being for immediate expenses, rather than longer term effects. For those receiving expense payments, they ranged from \$19 to \$31,000 in the reduced FAVE dataset, and \$225 to \$20,300 in the interview sample.

For the 15 who received expense payments, the most common were for counselling and medical expenses (60% each), followed by clothing (40%), exceptional circumstances (27%), and loss of earnings (13%). Of the 20, 15 also said there were items they did not apply for, but would have liked to.²³ Items mentioned related to physical or mental recovery (medications, counselling, travel to medical appointments, yoga, physiotherapy, increased security) and rebuilding life (costs for education, a replacement vehicle for the one in which the incident occurred, a train set to reconnect with grandchildren). Survivors gave two reasons for not applying for these items: no one had talked through with them what might be possible, and seeking additional funds meant more paperwork at a time when some felt overwhelmed. Seven of the 20 said they wished they had applied for loss of earnings. Of these, two were abused as children and not earning at the time of the offence. The two (both male) described the impact of

the abuse on their capacity to hold down jobs or to work consistently in a chosen field—narratives of lives that ‘might have been.’ The other five (all female), who were employed at the time of the offence, described the effects of turmoil and distraction that the crime had on their work.

For the recognition payment, 13 (65%) received the maximum of AU\$10,000. Those victimised as children were more likely to receive the maximum (88%) than those victimised as adults (50%), a difference also seen in the reduced FAVE dataset (65% and 49%, respectively). The average (mean) for the total payment was AU\$11,901, of which the recognition payment comprised 76%. Because the recognition payment forms a substantial share of the award, it is crucial to understand how survivors view it.

D. Meanings of the special assistance payment

When asked ‘what did the special assistance payment mean to you?’ most (80%) gave one of two types of positive responses. First, it meant acknowledgment and recognition of what had happened, and for some, a form of justice. Second, it meant financial help for the things they needed. Of the 16 positives, 10 gave primary emphasis to acknowledgment or recognition and 6, to financial help. Seven mentioned both of these, but gave secondary emphasis to financial help (four cases) or acknowledgment (three cases). Four focused mainly on the negative meanings of money to them.

Acknowledgment and recognition. Recall that 17 survivors said that the reason they had applied for financial assistance was the financial help it could provide, and of 20, two-thirds received the maximum payment of AU\$10,000. Thus, although most cited financial need or help as the initial

reason for applying for financial assistance, when asked what the special assistance payment meant, their answers shifted in reflecting on a different question. For 50%, the primary meaning of the payment was acknowledgment and recognition of the crime. For example, one woman who was assaulted by a neighbour said that ‘before I got [the special assistance], it wasn’t [important], but once I got it, it was very important’ (#2).

Survivors’ words and phrases focused on differing aspects of acknowledgment or recognition, but all referred to the actions of *others*. Of those giving primary and secondary emphasis to acknowledgment or recognition (N=13), some used multiple terms and phrases, such as confirmation or recognition of what happened (#1, 2, 5, 6, 14, 19, 20), confirmation of the wrongfulness and seriousness of what happened (#4, 10, 14, 19), affirmation of their status as a victim (#16, 20), and being believed (#20). Although most survivors’ cases went to court and, of these, most resulted in a conviction, a sense that justice had not been achieved in the criminal justice system emerged in some comments. For example, a woman who had had a negative experience reporting the assault to the police said that receiving the payment ‘affirmed with me that what happened to me was wrong’ (#19).

One woman emphasised justice alone (#3), and another spoke of acknowledgment as ‘a form of justice’ (#4). The first had been abused by her father as a child. She felt she had ‘received some form of justice out of the whole thing, it was a bit of an apology’ from the ‘government or the state saying sorry for what had happened’ (#3). She was the only person who volunteered the term ‘justice’ in reflecting on the meaning of the recognition payment, but in a set of general questions about financial assistance (see below), a higher share of survivors agreed that it ‘provided a form of justice.’

For some, acknowledgment meant being recognised and affirmed in a highly individual sense (#2, 4). A young man said that receiving the recognition payment ‘shows that I’m important and that ... there was wrong done to me, and [it] acknowledged me, and I guess just shows to me that I’m a person too and I have rights as everyone else’ (#4). Those victimised as children were somewhat more likely to give acknowledgment or recognition as the primary emphasis (63%) than those victimised as adults (42%).

One man, who had been victimised as a child at a scout camp, emphasised the payment as being acknowledgment: ‘the community in general is saying, “We acknowledge that this event was wrong and that it affected your life.”’ However, he believed the amount should ‘be tailored to their situation and how the event affects them.’ He had in mind victims of childhood sexual abuse, for whom ‘consideration needs to be made as to the effect of those events on the physical and emotional capabilities of the victim’ (#14). Others, both those abused as children and adults, made similar allusions (#10, 11, 12, 13, 15). This is a tort-based rationale, which links a monetary payment to the harm caused by crime and its consequences to a person; however, the recognition payment is not determined this way.

Financial help. Six (30%) gave primary emphasis to the meaning of special assistance as providing financial help. One woman, who was assaulted by a friend, said ‘it just gave me that extra bit of confidence in myself and independence ... in my career and that extra bit of savings to fall back on’ (#8). Another said she ‘was so excited because I could afford some help with a professional’ (#18). A third said ‘it took a load off. It’s like a burden has been lifted in a way because it’s like for once in my life I didn’t have to worry about money for a while’ (#10). Nonetheless, some felt ambivalent about the money. One woman said ‘honestly, it felt like blood

money, and the only way I managed to justify it sitting in my account was that it would pay for my psychological care and medication for 12 months' (#16).

Negative. A number of participants made negative comments about various aspects of the financial assistance such as the process, decision-making, and its focus. However, four had mainly negative responses about the recognition payment itself (#9, 11, 12, 13). In their view, there was little or no connection between the amount and their experience of victimisation. One man, now retired, who had been abused by a family friend when he was a young teenager, said that 'they gave me a miserable \$10,000 ... You divide \$10,000 by 50 years, you don't get much' (#13). Two women, both raped by strangers in their homes had negative reactions. One had 'mixed feelings, but mostly numb and empty. The amount granted was not comparable to what I had lived through' (#11). Another said, 'I was very disappointed because the cost to me was so much more than what they covered. It didn't help my financial situation at all' (#12).

E. How did survivors spend the recognition payment?

Because victims can spend the recognition payment in any way they wish, it is a fascinating area to explore. When asked how they spent it, participants' responses fell into three categories. The first was practical concerns or reconnecting with ordinary life, a category we adapt from Herman (1992/1997) to describe a stage in trauma recovery when a victim (re)claims a grip on the everyday world. The second was self-renewal or 'remaking the self,' a category borrowed from Susan Brison. After rape, she writes, the 'shattered self' hesitantly moves towards hope in the knowledge that it is nonetheless 'illusory.' It is, she says, 'as plausible' and 'as rational' as feeling 'irreparable damage' has been done (p.116). One is learning 'simply to endure,' but is

also ‘finding meaning in a life of caring for and being sustained by others’ (Brison, 2002: 65-66). The line between practicality and self-renewal may not always be clear but, as the examples will show, practicality was more often associated with immediate financial concerns than remaking the self. A third category was savings, of putting the money aside for a future purpose or as a financial safety net. Of the 20, 13 named one category, and seven named two or three. Practical concerns, alone or in combination with other categories, were mentioned by 15; self-renewal or remaking the self, by 10; and savings, by five. One survivor said she had not yet spent the money.

Practical concerns. Typical examples were paying bills and other household expenses. One person replaced an old car. Others used the money to relocate or to improve home security. Although one woman had received an expenses payment for home security, she used her special assistance payment to install more screens ‘on all the windows’ (#16). Nine of 20 survivors gave practical concerns alone, and six gave these along with self-renewal and savings.

Self-renewal or remaking the self. These activities or items were designed to restore or change the person or their living situation. As one woman put it, they were ‘things that were nice to myself’ (#6), which to her and two others (#10, 18) meant having a holiday or taking a cruise. Other examples were in relationships with others. One woman purchased a caravan, which enabled her to get away with her husband and other family members and do something they all enjoyed. It was a space and time in which her history of abuse by her stepfather and the court case were off-limits for discussion. She and her family could, in her words, ‘be normal’ (#1). Another ‘needed to get away, back to my sister, my sister lives [interstate], and I felt that I’d be

safer over there if I was with her.’ She also used the money to bring her parents with her (#5).

These examples show that survivors seek to re-build themselves in their relationships with others. In the process, their identity is not that of ‘a victim’ alone: they are also sisters, mothers, and friends.

Some responses suggest a remaking of self and re-building life. One woman enrolled in a nursing course that enabled a new career and a new life for her and her child (#8). Another woman bought breeding pairs of birds, initially as a new hobby. She said they became not only a form of therapy for her (‘I can go from being an absolutely hysterical mess to laughing my head off at them’), but ultimately they turned into a small business (#10).

Not all spending on remaking the self would be commonly understood as helpful. One young man said he had put the money ‘away in savings for a while ... was planning on spending it on a car and then probably for a new house.’ However, he ‘sort of self-destructed’ in a period that was ‘a big blur.’ Having now spent the money, he was attempting to find some stability and to re-build himself. We categorised his ‘big blur’ spend in keeping with Brison’s argument that the trauma of sexual victimisation is an ‘undoing of the self’ where ‘one can no longer *be oneself* even to oneself’ (Brison, 2002: 40, emphasis in original). As such, one’s ‘self’ needs to be found, as well as constructed and re-constructed in a dynamic way.

Three of 20 survivors gave self-renewal alone; it was more often combined with practical purposes and savings. Five survivors noted savings, but not alone; and in four cases, savings was joined with practical concerns and self-renewal.

One young woman had not spent the money, saying ‘I don’t know if I ever will.’ She was not able to connect the money with a sense of her future. She had been raped in her home and held captive by a stranger. She was adamant that ‘no amount of money in the world could

replace what was taken from me' (#11). Her priority was 'getting to doctor and therapist appointments,' for which she had received expense payments.

We were interested to determine what the relationship was, if any, in the meaning of the recognition payment (as acknowledgment, financial help, or negative) and how survivors spent the money. No pattern emerged. For the ten whose primary emphasis was acknowledgment or recognition, money was spent on practical concerns, self-renewal, and savings, alone or with other categories of spend. Likewise, for the six whose primary emphasis was on financial help: the money was spent alone or in combination across the three categories. However, of the four negative responses, three gave practical concerns alone. Thus, in general, the meaning of the recognition payment and how survivors decided to spend it tap different dimensions of what the money meant symbolically and how it was put to use concretely.

F. Does the amount of money matter?

We pursued two lines of analysis on the monetary amount. First, do survivors who received the maximum AU\$10,000 for the recognition payment more often say that the money's meaning to them was a form of acknowledgment or recognition? Second, did the overall amount awarded—that is, both the recognition payment and expenses—predict a survivor's judgment that the decision was fair (or not)?

To the first question, of those who received the maximum (N=13), 62% gave primary emphasis to the acknowledgment it conveyed, but of those receiving less, 29% did so. Thus, there may be a threshold amount (or a category, such as 'maximum amount') that signifies acknowledgment or recognition in survivors' minds or what Zelizer (1989: 352) calls a 'dignified equivalent.'

To the second, 65% said the overall outcome was fair. However, when disaggregating outcomes in three bands, low (AU\$2,000 to \$5,650), middle (AU\$10,000 to \$13,750), and high (AU\$15,300 to \$30,050), an intriguing finding emerged. Of those in the low (N=4) and middle (N=12) bands, 75% said the decision was fair; but of those in the high (N=4) band, 25% believed it was fair. Of the 20, the person receiving the highest amount (AU\$30,050) thought it was fair, saying ‘it was quite generous’). However, three others in the high band believed the decision was unfair. We see overlap in judgments of the fairness of the FA award overall and the meaning of the recognition payment. The four for whom the primary meaning was negative all said that the overall FA decision was unfair.

Of the 20, the person receiving the lowest amount (AU\$2,000) believed the decision was unfair, saying ‘it was considerably less than I thought I should have received’ (#9). However, three others in the low band were positive, saying ‘I appreciated it, I really did, yeah, absolutely I was grateful’ (#2), ‘I just felt like it was a big help, ... and it meant a lot that ... they were there to help you’ (#7), and ‘I was just grateful for what we received, and ... I didn’t feel there was a need to complain or think I didn’t get enough money’ (#15). By contrast, three of four in the high band believed the amount did not equate with the crimes committed and the costs of the crime to them. One sought ‘recognition that what happened was terrible’ and believed the FA scheme was ‘supposed to compensate me, ... but I don’t think that happened’ (#1). Another said the costs were greater than what the FA scheme paid (#12), and a third said, ‘who gives a f**k about money, it won’t restore me’ (#11).

When asked, what does the money (special assistance) mean, one said it was ‘a hard question’ to answer (#10). Some said they could understand the decision-making criteria in the payment (#6, 14, 20), but others did not (#13, 15, 19). Those who assessed the overall amount to be unfair emphasised how ‘terrible’ was the nature of their victimisation, the extent of the damage to their lives, and the attendant losses. Those who assessed the overall amount to be fair spoke primarily of the money’s helpfulness and what it enabled them to do.

G. Impact of financial assistance

Drawing from Mulder (2013: 62-65), we asked participants about the role and impact of financial assistance. Table 2 shows the results from our sample (col. 1) and Mulder’s for the Dutch Compensation Fund (col. 2). The results for col. 3 will be considered toward the end of this section. It is important to recall that both groups of victims were self-selected; however, ours is of sexual offences only, and Mulder’s, of all types of violence. The average award for sexual victimisation in our sample was AU\$11,900, and in the Dutch sample, €4,500 (the amounts in USD are \$10,591 and \$6,197 respectively).

TABLE 2 ABOUT HERE

We would classify items 1, 2, and 3 as concerned with acknowledgement and justice, and items 4 and 5, with the recovery process.²⁴ For both our group and Mulder’s, acknowledgment emerged strongly, with about 7 in 10 agreeing that financial assistance ‘made me feel acknowledged.’ However, the majority of Mulder’s group agreed that it ‘provided a form of justice’ (64%), whereas 40% of our sample did. The same share in both groups (45%) agreed that financial assistance ‘confirmed my innocence.’ In our sample, 45% agreed that the money ‘helped them to cope with the aftermath of the incident’, and fewer (25%) said it ‘provided a

form of emotional support.’ The results for Mulder’s group were 31% (helped to cope) and 55% (form of emotional support).

Overall, although the average award received by our research participants was higher than Mulder’s, our group was less positive about the impact of financial assistance, with just one element—acknowledgment—coming to the fore. By comparison, a majority of Mulder’s group cited three elements—acknowledgment, justice, and emotional support. Although we recognise problems of comparing the two samples and jurisdictions, the findings provide further evidence that aggregate judgments of the impact of financial assistance are unrelated to the average amount received.

Indeed, in further analyses, we found that the two measures of money received (AU\$10,000 maximum in special assistance and three bands of the total amount received) were unrelated to the five statements. However, as col. 3 shows, affirmative answers to all five Mulder statements were significantly higher for those who said the overall decision was ‘fair’ compared to those who said it was not. It is not possible to untangle cause and effect here. However, if survivors’ judgments of ‘fair decision’ are strongly and positively related to the five statements, and measures of money are not, then *it is not the precise amount of money that matters, but rather how survivors come to view the amount as being right and fair to them*. In turn, this subjective assessment of fairness is linked to more positive assessments of the role and impact of financial assistance.

Part IV: Discussion

Our study sought to determine the views and experiences of sexual assault survivors, who had applied for and were awarded financial assistance. Because we covered considerable ground, we first highlight the key findings and study limitations.

A. Key findings

Most survivors applied for financial assistance because they required financial help for medical care, counselling, relocation and security, and family and children's expenses. They were appreciative that financial assistance was available, and most were thoughtful, frugal, and wanting to do right by the public purse. Two-thirds received the maximum payment of AU\$10,000 for special assistance. For 10 of 20 participants, this payment primarily meant acknowledgment by others; and for six, it meant practical help, but four did not view the payment positively. Free to spend the special assistance payment as they wished, survivors spent it, alone or in combination, on practical items or financial concerns (15), self-renewal or remaking the self (10), and savings (5). Two-thirds judged the overall decision to be fair, but those receiving the lowest amount more often said it was fair (75%) than those receiving the highest amounts (25%). Compared to Mulder (2013), our sample was somewhat less positive on the impact of financial assistance, but being 'acknowledged as a victim' emerged as the top-rated statement. There may be a threshold amount in survivors' minds, which equates to 'being acknowledged,' but in general, amounts received were unrelated to survivors' determinations that the decision was 'fair' and to positive statements on the impact of financial assistance.

B. Limitations

Our interview study is limited in several ways: it has a small and self-selected sample, which is based on the views of sexual assault survivors who applied for FA when they were 18 years of age or older. Although we acknowledge limits to generalisability based solely on the number of interviewees, we suspect that all research to date is limited in not paying attention to a key variable of age of victimisation and at application for CIC or FA. Sexual assault has large variation in the age of victimisation—larger than any other violent offence for which victims seek CIC or FA—and it has a large share of young victims. For ethical purposes, we sought to interview only those 18 and over at the time of application, but this eliminated 42% of potential cases. We are more confident that our results reflect adult survivors' views on the money they received, which offer insight on key areas of public policy.

C. Implications

We draw these points and implications from our study. First, it is well-known that there are profound differences between compensation, as a court-determined civil remedy for criminal victimisation, and payments that can be made from a state-based scheme. As profound as this difference is, there remains confusion in the research and policy fields when many jurisdictions attempt to shift the logic of a tort remedy from one arena to another. Court-ordered civil remedies have a distinct legal and social history. Whereas this form may 'make good' economic and non-economic losses and may be able to do so fully, state-based schemes can only provide a more limited offering. Thus, it is crucial that researchers and policy makers change how they refer to monetary payments in the aftermath of victimisation: civil remedies can be said to provide compensation, but state-based schemes decidedly cannot and do not. Instead, they

provide highly reduced types of payment. It is important for policymakers and researchers to fully grasp the implications of the changed terminology.

Second, this distinction allows a clearer perspective on the recognition payment and its meaning for survivors. (This point is relevant to other jurisdictions that may use a different term, but have the same referent: a payment not based on crime-related expenses.) In Queensland, the legislation describes the recognition payment as ‘a symbolic expression’ and then links the symbolic to a ‘recognition of the *injuries* suffered’ by victims (VOCAA, section 3(2)b, emphasis added). Our study suggests that the recognition payment should be explicitly linked to the *offence* (or the wrong) itself—as opposed to the harm or injury. This would go a long way to meeting the meanings survivors ascribe to the money.

The injuries or harms of sexual victimisation are many and varied, and we know from the literature that survivors view the amounts of money they receive as being incommensurable with the harms. However, when focused on the offence, survivors are able to see the recognition payment as reflecting a societal-based assessment of ‘seriousness’ connected to the nature of the wrong as a violation. This is in contrast to a payment that varies depending on the degree of emotional or other harm that is experienced by an individual.

Third, and related, of those survivors with positive responses toward the recognition payment, the dominant meaning was acknowledgment by others. This suggests that a policy rationale for state-based schemes—social solidarity—resonates with survivors’ experiences of receiving a monetary payment. However, the acknowledgment conveyed by the payment and its provision by the state may not be fully understood by those seeking financial assistance or the wider community. The delicacy of language that state-based schemes need to use to communicate these meanings effectively is crucially important.

Fourth and unsupported in our study (as in Mulder's) is the idea (imported from tort law) that money can make victims whole again. While survivors did undertake various activities in (re)making the self and which may have had positive effects on their well-being, this process has unfortunately been interpreted by some analysts as demonstrating the 'therapeutic' benefits of receiving money. These ideas have been reinforced by others who focus on elements of PTSD as a ready and reliable measure of survivors' circumstances and states of mind post-victimisation. The net effect is to restrict the wide and deep consequences of sexual victimisation to the psychological alone and to see money payments as a tonic to alleviate suffering. Our interviewees suggest a more grounded and modest place for the role of money. All survivors mentioned a range of hardships and unexpected expenses that arose as a consequence of their victimisation. In addition, as Herman (1992/1997: 197) notes, 'the survivor devotes energy to the care of her body, her immediate environment, her material needs, and her relationships with others.' Money had real practical salience in enabling these activities. It helped, but alone, it cannot be said to 'heal.'

Finally, ideas of reconnection and renewal, which Herman and Brison emphasise, and which our survivors put into effect, have been overlooked. By asking how they spent their money, survivors revealed the many ways in which these elements were important to them. To 'engage more actively in the world' as a 'central task' of recovery (Herman 1992/1997: 197) required more than care and counselling for all survivors, and especially those victimised as children. The impact of sexual victimisation on survivors' social and material worlds, their sense of self, and their capacity to work, earn, and participate in education was significant. Many turned to family and friends for renewal and to help (re)build connections. Central to this task were survivors' ability to spend funds that some received for 'exceptional circumstances', and

for others, the recognition payment, on things they chose. What is called an ‘exceptional circumstances’ payment in the Queensland scheme may be too narrowly conceived. Yet it is precisely because the reconnection and renewal activities are survivor-directed that this component needs to be understood expansively. It can comprise a more individualised response to victimisation from schemes and allied survivor services.

One implication of our research is that all schemes—whether FA or CIC—need to adopt a wider and longer term understanding of the types of expenses that can enable a more comprehensive recovery for survivors. If the notion of recovery is pursued as a public policy aim for state schemes, it should be practically grounded and responsive to the reality of survivors’ needs, both day-to-day and over the longer term. The recovery element, broadly understood, can encompass the myriad ways that survivors seek to re-build themselves, to re-construct a meaningful life course, to re-connect with their social world, and to (re)kindle social solidarity. It is crucial, therefore, that scheme administrators see their role is more than that of assessors and managers of funds. By working collaboratively with other survivor services and survivors themselves, scheme administrators and the money they provide can become part of a survivor’s sensitive process of reconstruction.

References

- Balboni J and Bishop D (2010) Transformative justice: Survivor perspectives on clergy sexual abuse litigation. *Contemporary Justice Review* 13(2): 133-154.
- Brison S (2002) *Aftermath: Violence and the Remaking of a Self*. Princeton, NJ: Princeton University Press.
- CASA House (1997) Just tokens: A report on the experience of victim/survivors of sexual assault when making application for crimes compensation. Melbourne, Australia: CASA House.
- Community Legal Centres (NSW) (May 2013) Changes to the NSW Victims Compensation Scheme – Issues of concern. Available at: http://www.wlsnsw.org.au/downloads/law-reform/2013WLSNSW_Changes_to_NSW_Victims_Compensation_scheme.pdf (accessed July 2017).
- Davies I (1991) Compensation for criminal injuries in Australia: A proposal for change in Queensland. *Bond Law Review* 3(1): 1-24.
- Daly K (2014a) *Redressing Institutional Abuse of Children*. Basingstoke, England: Palgrave Macmillan.
- Daly K (2014b) Reconceptualizing sexual victimization and justice. In Vanfraechemn I, Pemberton A and Ndahinda F (eds), *Justice for Victims: Perspectives on Rights, Transition and Reconciliation*. Abingdon, England: Routledge, pp. 380-395.
- Des Rosiers N, Feldthusen B and Hankivsky O (1998) Legal compensation for sexual violence: Therapeutic consequences and consequences for the judicial system. *Psychology, Public Policy and Law* 4(1-2): 433-451.
- Duff P (1998) The measure of criminal injuries compensation: Political pragmatism or dog's dinner? *Oxford Journal of Legal Studies* 18(1): 105-142.

- Feinberg K (2005) *What is Life Worth? The Unprecedented Effort to Compensate the Victims of 9/11*. New York: Public Affairs, Perseus Books Group.
- Feldthusen B, Hankivsky O and Greaves L (2000) Therapeutic consequences of civil actions for damages and compensation claims by victims of sexual abuse: An empirical study. *Canadian Journal of Women and Law* 12(66): 66-116.
- Fry M (1959) Justice for victims. *Journal of Public Law* 8(1): 191-194. (Article was republished from the original, which was in *The [London] Observer*, 7 July 1957.)
- Gardner J (1990) *Victims and Criminal Justice*. Adelaide, Australia: Office of Crime Statistics, South Australian Attorney-General's Department.
- Goldscheid J (2004) Crime victim compensation in a post-9/11 world. *Tulane Law Review* 79(1): 167-233.
- Hadfield G (2008) Framing the choice between cash and the courthouse: Experiences with the 9/11 Victim Compensation Fund. *Law and Society Review* 42(3): 645-682.
- Hensler D (2003) Money talks: Searching for justice through compensation for personal injury and death. *DePaul Law Review* 53(2): 417-455.
- Herman J (1992/1997) *Trauma and Recovery: The Aftermath of Violence – From Domestic Abuse to Political Terror*. New York: Basic Books.
- Kunst M (2011) Employment status and posttraumatic stress disorder following compensation seeking in victims of violence. *Journal of Interpersonal Violence* 26(2): 377-393.
- Kunst M (2012) Mental health problems and satisfaction with amount of state compensation for intentional violent crime victimization in The Netherlands. *Community Mental Health Journal* 48(4): 527-534.

- Kunst M, Koster N and Van Heugten J (2017) Performance evaluations and victim satisfaction with state compensation for violent crime: A prospective study. *Journal of Interpersonal Violence* 32(19), 3027-3044. DOI: 10.1177/0886260515596535
- Kunst M, Winkel F and Bogaerts S (2010) Prevalence and predictors of posttraumatic stress disorder among victims of violence applying for state compensation. *Journal of Interpersonal Violence* 25(9): 1631-1654.
- Lamborn L (1973) The propriety of governmental compensation of victims of crime. *The George Washington Law Review* 41(3): 446-470.
- Meyer S (2014) Victims' experiences of short- and long-term safety and wellbeing: Findings from an examination of an integrated response to domestic violence. *Trends and Issues in Crime and Criminal Justice* 478.
- Miers D (2014a) State compensation for victims of violent crime. In Vanfraechemn I, Pemberton A and Ndahinda F (eds), *Justice for Victims: Perspectives on Rights, Transition and Reconciliation*. Abingdon, England: Routledge, pp. 105-139.
- Miers D (2014b) Offender and state compensation for victims of violent crime: Two decades of development and change. *International Review of Victimology* 20(1): 145-168.
- Mulder J (2013) *Compensation: The Victim's Perspective*. Oisterwijk, The Netherlands: Wolf Legal Publishers.
- Newmark L, Bonderman J, Smith B and Liner B (2003) National evaluation of state *Victims of Crime Act* assistance and compensation programs: Trends and strategies for the future. Washington, DC: Urban Institute, Justice Policy Center.
- O'Connell M and Fletcher S (2015) To pay or not to pay: revisiting the rationale for state-funded compensation for crime victims: An Australian perspective. In: Tollefson T (ed.)

Victimological Advances in Theory, Policy and Services: Festschrift in Honour of Prof Dr John Dussich, PhD. Fresno, CA: Dumont Printing, pp. 79-110.

Queensland Government, Department of Justice and Attorney-General (2015) Final report on the review of the Victims of Crime Assistance Act 2009. Brisbane, Australia.

Schafer S (1970) Victim compensation and responsibility. *California Law Review* 43(1): 55-67.

Shapland J, Willmore J and Duff P (1985) *Victims in the Criminal Justice System.* Aldershot, England: Gower Publishing.

Slyomovics S (2014) *How to Accept German Reparations.* Philadelphia: University of Pennsylvania Press.

Smith R, Jorna P, Sweeney J and Fuller G (2014) *Counting the costs of crime in Australia: A 2011 estimate.* Research and Public Policy Series No. 129. Canberra, ACT: Australian Institute of Criminology.

Swanston H, Parkinson P, Shrimpton S, O'Toole B and Oates R (2001) *Statutory compensation for victims of child sexual assault: Examining the efficacy of a discretionary system.* *International Review of Victimology* 8: 37-62.

Tyler T and Thorisdottir H (2003) A psychological perspective on compensation for harm: Examining the September 11th Victim Compensation Fund. *DePaul Law Review* 53(2): 355-391.

US Department of Justice Office of Justice Programs Office for Victims of Crime (2015) *Nationwide analysis, 2014 Victims of Crime Act, Performance Report, State Compensation Program.* Available at <https://ojp.gov/ovc/pubs/reporttonation2015/VOCA-compensation-and-assistance-statistics.html> (accessed February 2017).

US Department of Treasury Bureau of Fiscal Services (for 31 December 2013). Treasury reporting rates of exchange as of December 31, 2013. Available at <https://www.fiscal.treasury.gov/fsreports/rpt/treasRptRateExch/itin-12-31-2013.pdf> (accessed February 2017).

Van Dijk J (1985) Compensation by the state or by the offender: the victim's perspective. Paper presented at the Conference on Victims, Restitution and Compensation in the Criminal Justice System, Cambridge, England, 13-16 August, 1984. Available at <https://pure.uvt.nl/portal/files/999330/COMPENSA.PDF> (accessed December 2016).

Wolfgang M (1965) Victim compensation in crimes of personal violence. *Minnesota Law Review* 50(2): 223-241.

Zelizer V (1989) The social meaning of money: 'special monies.' *American Journal of Sociology* 95(2): 342-377.

Table 1. Comparison of study samples

	FAVE all (N=291) (1)	FAVE, reduced (N=167) (2)	interview (N=20) (3)	sig at $p < 0.10$ (col. 2 & 3)
	%	%	%	
Female	87	89	80	no
Aboriginal or Torres Strait Islander	12	15	0	yes
Age at victimisation and application				
<18 at victimisation and application	43	--	--	
<18 at victimisation; 18 or over at application	35	61	40	yes
18 or over at victimisation and application	22	39	60	
Victim-offender relations				
family member or relative	47	44	25	no
known well or by sight	44	43	65	
stranger	9	13	10	
Offence category				
category A	66	74	75	no
category B	34	26	25	
Offence category detail				
category A rape	40	44	65	no
category A maintaining sexual relationship with a child	25	30	10	
category B sexual assault	12	17	20	
category B indecent treatment of a child	23	9	5	
Recognition payment: mean (AU\$)	7,257	7,795	7,800	no
Percent receiving maximum (AU\$10,000)	52	59	65	no
Total received: mean (AU\$)	9,815	10,216	11,901	no
Percent receiving expenses	69	63	75	no

Table 2. Comparison of items in our study and Mulder's (2013)

Statement: The financial assistance ...	Our study (N=20) (1)	Mulder (2013) (N=217) (2)	Our study (N=20): those saying decision was fair (3)
	%	%	%
(1) made me feel acknowledged as a victim of violence	75	69	92
(2) confirmed my innocence as a victim of violence	45	45	62
(3) provided a form of justice to me	40	64	54
(4) helped me cope with the aftermath of the incident(s)	45	31	62
(5) provided a form of emotional support for me	25	55	39
Year(s) awarded	2011-15	2008	
Average award for sexual victimisation	AU\$11,900	€4,500	
Amount in 2013 US\$	US\$10,591	US\$6,197	
Amount in 2013 AU\$		AU\$6,944	

1. Our interview had three categories of response: agree, disagree, and maybe yes/maybe no. Mulder (2013: 62-65) had more categories, with three gradations of agree and disagree, and a neutral category. For comparability, we show the percent who agreed to the item in our interview and the percent who replied *agree or completely agree* (but not slightly agree) in Mulder's survey.

2. In both our interview and Mulder's survey, the ordering of the items for 'justice' (1 to 3) and 'recovery' (4 and 5) varied from the list shown. Statement wording is what we used in the interviews; this differed slightly from some of Mulder's items.

3. The Dutch average is for 'severe sexual crimes' (Mulder 2013: 88). While Mulder gives no definition, these are comparable to the Category A cases in our study, which comprise 75% of our

interview sample. The average payment for all offences in Mulder's 'net sample' was €3,120 (2013: 87).

4. Column 3 reports findings from a 2 x 2 table of 'decision fair' (N=13 yes, 7 no) by agreement with statement. Phi coefficients were significant for items 1, 2, and 4 ($p < 0.05$) and items 3 and 5 ($p < 0.10$).

5. Amounts in US\$ are unadjusted for inflation (US Dept of Treasury, for 31 Dec 2013). Amount in AU\$ is unadjusted for inflation (Australian Taxation Office, for 31 Dec 2013).

¹ We generally use the term survivor; however, legislation for state schemes and case law uses the term victim. Thus, we use both terms.

² Northern Ireland has a separate scheme.

³ The first state scheme in the US was California (1965), then Hawaii, New York, and Massachusetts over the next three years (Newmark, Bonderman, Smith and Liner, 2003). The first provincial schemes in Canada were in Ontario (1967) and Newfoundland (1968) (Lamborn, 1973).

⁴ US schemes were (and are) not based on a tort model, although Hawaii and Tennessee allocate very low amounts for ‘pain and suffering’ (Miers 2014a: 121). The Dutch Violent Offences Compensation Fund uses the language of tort, with a ‘pain and suffering’ component, but average amounts awarded are low.

⁵ Australian jurisdictions with FA schemes that have a capped recognition payment, tiered by offence, are New South Wales, Queensland, Victoria (maximum of AU\$10,000), and the Australian Capital Territory (maximum AU\$26,250). Four jurisdictions (South Australia, Tasmania, Western Australia, and the Northern Territory) have retained the language of compensation. Australia is not alone in reforming its state-based schemes. The British scheme has been amended many times (see Miers, 2014b).

⁶ For example, in response to proposed changes in NSW, a 2013 submission from the Community Legal Centres Victim Compensation Committee argued that the proposed recognition payment for sexual offences ranging from AU\$1,500 to \$5,000 was less than amounts previously awarded for psychological injury.

⁷ Under the older model in 2008, an average payment of AU\$17,340 was awarded to 931 victims. In the FA model in 2012, an average payment of AU\$6,775 was awarded to 2,159

victims (Queensland Government, Department of Justice and Attorney-General, 2015: 10-11).

⁸ Mulder (2013) uses the term ‘therapeutic expectations’ to refer to victims seeking ‘recovery of their well-being’ (p. 51, drawing from Feldthusen, Hankivsky, and Greaves [2000: 75]) and to ‘receiving acknowledgment as a victim and finding closure’ (p. 52). In combining recovery and justice aims, ‘therapeutic expectations’ conflates the two.

⁹ They also interviewed 10 survivors who pursued civil litigation, but we focus on the CIC claimants.

¹⁰ They also interviewed 13 civil litigants and 26 claimants in the Grandview redress scheme for historic institutional abuse, but we focus on the CIC claimants.

¹¹ The relevant legislation is (Qld) *Victims of Crime Assistance Act 2009*. Legislation change took effect on 1 July 2017, arising from recommendations by the Queensland Department of Justice and Attorney General (2015).

¹² Other categories of violence are homicide, robbery, assault, torture and kidnapping, and burglary with violence.

¹³ These payments are typically made for security and relocation expenses.

¹⁴ The VAQ application form does the same. On the application, the item says ‘special assistance (recognition payment).’

¹⁵ A legislative change introduced on 1 July 2017 is a fixed amount for each category, that is, A (AU\$10,000), B (AU\$3,500), C (AU\$2,000), and D (AU\$1,000), which will remove assessor discretion within each band.

¹⁶ The exchange rate for converting currency in Table 2 to 2013 US dollars is AU dollars x .89 and Euro x 1.377 (US Department of Treasury, 31 December 2013), and for Euro to AU dollars x 1.543 (Australian Taxation Office, available at <https://www.ato.gov.au/Tax-professionals/TP/Calendar-year-ending-31-December-2013/> (accessed July 2017)).

¹⁷ For child victims, the special assistance payment cannot be accessed until they are 18.

¹⁸ The group of 164 cases used the FLOW dataset, which has longer window of decision-making time (12 months longer, decisions as of 9 January 2015) than the FAVE dataset (decisions as of 31 December 2013). We used the FLOW dataset to increase the number of on-line survey responses.

¹⁹ Other differences are evident when moving from the FAVE to the reduced FAVE dataset. There is a strong ‘age of application’ effect: those 18 and over are more likely to be in category A and, as a consequence, to receive a higher recognition payment.

²⁰ Because some cells have less than five cases, Fisher’s exact test was used for cross-tabulations.

²¹ They are required to disclose to an appropriately qualified counsellor, a registered psychologist, or a doctor.

²² Of the six with no convictions, two were not convicted; one, referred to the mental health court; one, the trial outcome was pending; and two, no information.

²³ Of the 15, 12 had received expense payments and three did not.

²⁴ Mulder (2013: 62) says that all the statements sought to gain insight on victims’ ‘emotional responses’ to receiving the award. However, based on our interviews, the acknowledgment statement is a justice item, not as Mulder suggests, a therapeutic one.