

Call for Retrospective Financial Redress of Last Resort (RFRLR) for finance industry victims

Few retrospective cases are eligible under AFCA / Legacy Complaints / CSLR considerations (due December 2020) despite those who discovered misconduct / white-collar crime due to the GFC (after 1/1/08) and others before having advocated for meaningful reforms, consumer protections, accountability and financial redress.

Principles – victims deserve (TRED)

- Truth, trust and transparency
- Respect for victims and priority for serious impacts
- Ethical accountability
- Dignity, compassion and a fair-go

Responses – from industry and government

- Restitution and compensation with interim measures - not tokenism or nothing
- Social justice - not victim-blaming and abandonment
- Moral compass - not vested interests or failure to engage meaningfully
- Accountability - not DARVO¹ and GORPAP²
- Democracy - not corporate greed and corruption

Demands – for dignity and fair-go for victims

- Design meaningful restitution and compensation with urgent interim measures
- Prioritize most adversely affected victims (financially and related health impacts)
- Establish RFRLR urgently with interim measures until redress paid
- Fair criteria for eligibility (discovery after 1/1/08 with earlier special consideration discretion)
- Competent, independent, assistance to prepare and lodge claim
- Whistle-blowers rewards and protections including retrospectively

Elaboration:

- **Restitution:** for direct, indirect and compounding losses incurred
- **Compensation:** for incalculable financial losses and pain and suffering / personal injury
- **Interim measures:** help to avert further loss and assist until redress paid in full (examples):
 - exempt/refund income tax assessed as payable until losses recouped / redress
 - refund income tax paid (back to discovery of misconduct / white-collar crime)
 - interest-free loans
 - waive stamp-duty for home, car
 - ex-gratia payment
 - null and void bankruptcies and restore credit rating etc.
- **Criteria:** victims worst affected relative to circumstances and/or most at risk (examples):
 - bankruptcy / insolvency
 - home lost / threatened
 - loss of 75% or more of wealth of middle-aged or older³ (i.e. research-based impacts)
 - retirement impacted and recovery affected* by age, gender, health, circumstances
 - resultant physical and mental health impacts or exacerbation of pre-existing concerns
- **Claim Preparation:** free, competent, independent, assistance to collate, assess and lodge claim
- **Whistle-blowers as victims:** redress for toll (e.g. financial, health etc.) for not turning a blind eye

Updated: Tuesday, February 11, 2020

¹ DARVO stands for “Deny, Attack, and Reverse Victim and Offender”. Institutional DARVO occurs when committed by, or with complicity of, an institution and is a malicious form of institutional betrayal. <https://dynamic.uoregon.edu/jif/defineDARVO.html>

Freyd, J.J. (1997) *Violations of power, adaptive blindness, and betrayal trauma theory*. *Feminism & Psychology*, 7, 22-32

Harsey, S., Zubriggen, E., & Freyd, J.J. (2017—published Open Access). *Perpetrator Responses to Victim Confrontation: DARVO and Victim Self-Blame*. *Journal of Aggression, Maltreatment and Trauma*, 26, 644-663.

² GORPAP stands for “Golden-handshakes, Obscene Remuneration, Promotion And Protection” of offenders and enablers of white-collar crime where unethical treatment of corporate executives contrasts with ordinary citizens without power, position, money, insider knowledge or contacts amongst the elite or ruling class. Henry, S. HNAB-AG Chairperson. www.halttosafeguardyourfinances.com

³ Pool. Lindsay, (2018, April). *Association of Negative Wealth Shock With All-Cause Mortality in Middle-Aged and Older Adults in the United States*. *Journal of American Medical Association*.