

New Victorian duty of care laws and Salesian College Day of Lament

Late last week the Andrews Government in Victoria introduced a Bill into the Parliament that will create a new duty of care allowing an organisation to be held liable for child abuse committed by someone associated with the organisation.

This is a significant and welcome change to the law which, in effect means that it will be up to the institution to prove it took reasonable precautions to prevent the abuse from happening rather than the victim having to prove that it didn't.

The new law is an important step forward in making it easier for survivors of child sexual abuse to sue institutions for damages.

Significantly it is also about providing greater access for survivors to justice and ensuring institutions can be held to account for their failures in the future.

This change will have the benefit of compelling organisations to make sure they have in place the best possible procedures for safeguarding children.

It sends a very clear message that the buck will now stop with the institution in child abuse civil claims.

So unless a school, parish, community organisation, childcare or government body which cares for or supervises children puts in place all appropriate child protection measures, then it could be sued if someone in that organisation does the wrong thing while at work.

The proposed law, which is expected to come into force after July 2017, has received widespread support including from the Catholic Church.

On another issue I see the Australia-Pacific Province of the Salesians of Don Bosco will be making a public apology and unveiling a 'sorry stone' plaque at the order's Salesian College in Sunbury on December 8.

This event follows the 'Liturgy of Lament' at Marist College Canberra earlier this month which involved a healing ceremony and installation of a permanent plaque to recognise the past sexual abuse of children at the College.

Salesian College principal, Mark Brockhus, said the apology and monument was a starting point in confronting the College's past which has impacted on dozens of victims.

"The apology is about making a sincere statement in a public setting which deals with the trust that was abused and broken in the past," he is reported as saying.

It is a very welcome development to see schools, orders and other organisations within the Catholic Church stepping up and making these statements of lament and apology.

And it is also just as important to see that they are building permanent reminders in their grounds of the abuse of the past and the drive to do better.

While the current principals and leaders were not involved in the abuse and its cover-up we all need to take responsibility for past crimes.

We all need to do whatever we can and whatever is necessary to ensure the abuse never happens again and that survivors are treated with respect, compassion and justice.

Francis Sullivan
CEO Catholic Church's Truth Justice and Healing Council
30 November 2016