

MEDIA RELEASE

Truth Justice and Healing Council Calls for Changes to Civil Litigation Processes

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The Truth Justice and Healing Council is calling for reform of civil litigation processes to ensure that survivors of child sexual abuse in the Catholic Church can use this as one avenue for justice for the abuse they suffered.

Chief Executive Officer, Francis Sullivan, said civil litigation may not always be the best option. But many survivors may see it as an opportunity to call the people who were responsible for the abuse to account.

“People who were abused as children experience particular difficulties when they pursue civil litigation,” Mr Sullivan said.

“In our submission, we suggest the Royal Commission recommends two avenues for reform: to extend the current period in which action can be taken following abuse, and to ensure that plaintiffs have available to them an entity that can be sued.

“The Council suggests the Royal Commission recommends to governments across Australia to establish a limitation period of 25 years from the age at which the victim reached majority with the possibility of the period being extended subject to the defendant satisfying the court that an extension beyond 25 years would result in significant prejudice to the defendant.

“We know that many survivors don’t seek justice for some time, often decades after the abuse happened. Under the current arrangements many victims miss out.

“Secondly there is an urgent need for a legal entity to be available that can be sued. Under current Australian law many Church entities cannot be sued.

“While the Council welcomes the opportunity to address some of these issues, it also acknowledges that civil proceedings can be difficult, time consuming, expensive and uncertain.

“Civil litigation should not be the only option for redress.

“An effective alternative will offer victims a faster, cheaper and more accessible avenue,” Mr Sullivan said.

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A copy of the TJHC submission will be available on the Royal Commission’s website shortly