

## Catholic Church supports redress and civil litigation

The release of the [consultation paper on redress and civil litigation](#) in Sydney last week was a major milestone for the Royal Commission and a beacon of hope for all survivors of institutional child sex abuse.

The Catholic Church is fully supportive of the consultation paper, in particular its option for a national redress scheme, which closely resembles the scheme proposed by the Truth Justice and Healing Council (TJHC) in its submission to the Royal Commission in August 2014.

### **What is the significance of this consultation paper and how did it come about?**

Over the past two years the Royal Commission has met with more than 2,850 survivors and held 22 public hearings. As we know, many stories of betrayal, abuse and suffering have emerged. In addition, many institutions including the Catholic Church, have acknowledged their response to survivors has been inadequate. Commissioners saw a pressing need to consider the issue of redress and make recommendations as soon as possible.

The consultation paper identifies possible redress scheme options including, redress schemes run by individual institutions using a common approach and a national scheme or separate state and territory schemes.

### **A national redress scheme**

A generous national redress scheme, funded by institutions responsible for the abuse, but led by the Australian government is now broadly supported as the best way forward to adequately redress survivors of institutional child sex abuse.

The scheme would be independently managed but funded by the institutions responsible for the abuse. All survivors of institutional child sex abuse, regardless of where or when the abuse occurred, would be treated in the same way. Survivors could expect the same outcomes as all other survivors through a redress scheme that is inexpensive and easy to access.

I have said many times that the days of the Catholic Church investigating itself are now well and truly over and the Church is fully committed to a national redress scheme.

This Royal Commission consultation paper suggests that effective redress must have three elements – personal response by the institution to the survivor, guaranteed funding for counseling and psychological care and a lump sum which is paid in recognition of the abuse to the individual.

All major institutions have made it clear that they will cooperate with plans for redress and compensation. It is now important all governments in Australia indicate that they are willing to participate in the scheme.

### **What is the cost?**

Actuarial advisers have conducted detailed modeling for the Commission on the possible costs of a redress scheme. With the assumption that 65,000 eligible survivors will receive average payments of \$65,000 the total cost of redress nationally would be \$4.378 billion spread over a ten-year period.

This figure doesn't take into account payments that have already been made to survivors, which Commissioner McClellan has indicated, would be taken from any award made under a new scheme.

### **Possible reforms to civil litigation systems**

The consultation paper also identifies possible reforms to civil litigation systems that would also assist survivors wanting to pursue civil litigation.

These include:

- whether limitation periods for actions relating to child sexual abuse should be removed
- whether the states and territories should legislate to ensure that there is always a proper defendant to sue
- whether there should be changes to the law to impose a duty on any institution in which child sexual abuse occurs
- whether governments and non-government institutions should adopt model litigant approaches for how they will handle civil litigation in relation to child sexual abuse claims

**Where to from here?** The Truth Justice and Healing Council will be making a submission on behalf of the Catholic Church. The Commission will then endeavour to make findings and recommendations in relation to redress and civil litigation by the middle of 2015.

**Rockhampton and Ballarat** During the release of the consultation paper last week Justice McClellan announced that in April the Commission would once again begin hearings into the Catholic Church.

A public hearing will be held in Rockhampton and centre on the experiences of children at St Joseph's Orphanage, Neerkol, which was managed by the Sisters of Mercy. The case will also examine the conduct of priests attached to the Diocese who carried out duties at the orphanage.

The Commission will then travel to Ballarat in May, where it is understood further evidence of institutional sexual abuse, involving the Catholic Church, will be examined.

This is the first time the Catholic Church has been the focus of the Royal Commission public hearings since August last year. As these new hearings are announced the Catholic Church remains fully committed to supporting the Royal Commission uncovering the truth so that healing can begin.