

MEDIA RELEASE

Royal Commission releases child sexual abuse redress and civil litigation findings



14 September 2015

The Royal Commission into Institutional Responses to Child Sexual Abuse has made a raft of recommendations to governments across Australia relating to redress for survivors of child sexual abuse and reforms to legal processes involved in bringing abuse claims to court.

Mr Francis Sullivan, CEO of the Catholic Church's Truth Justice and Healing Council, said the recommendations in the Commission's 660 page report were wide ranging and comprehensive.

Among the 99 recommendations, the Commission has proposed a single \$4 billion national redress scheme established by the Australian Government with a minimum payment of \$10,000, a maximum of \$200,000 with an anticipated average payment of \$65,000.

The Commission has estimated there are likely to be some 60,000 eligible survivors. The scheme should be up and running by July 2017.

The cost of the scheme, including financial payments, counselling and administration, would be met by the institution in which the abuse occurred. Where an institution no longer exists, but was part of a larger group of institutions, the cost would fall to the 'group of institutions or the successor institution'.

The Commission also found redress for survivors should also include an apology and an opportunity for the survivor to meet with the institution leaders and continuing, life-long counselling and psychological care.

Mr Sullivan said the redress scheme, which is broadly consistent with the Catholic Church's submissions to the Commission in August 2014 would provide equal access and treatment for survivors – regardless of when they were abused, where they were abused and who abused them.

"These redress recommendations are a huge leap forward for survivors of child sexual abuse.

"The ball is now well and truly in the Government's court. Survivors now deserve a positive response from the Commonwealth and state governments and they need to see all governments move quickly to agree on a position and start the process of setting up the scheme."

The Royal Commission has also identified a suite of reforms to civil litigation systems including:

- The retrospective removal of limitation periods for actions relating to child sexual abuse
- States and territories should legislate to ensure that there is always a proper defendant to sue
- There should be changes to the law to impose a non-delegable duty on institutions including schools, residential facilities, disability and health services, services provided by religious organisations
- Governments and non-government institutions should adopt model litigant approaches for how they will handle civil litigation in relation to child sexual abuse claims.

Mr Sullivan said the release of this report is a major milestone for the Royal Commission and goes to the heart of its work.

“For two years now we have watched as the Royal Commission has looked back, and in its own words, borne witness to the abuse of children in many different institutions.

“Now the Royal Commission is firmly focused on the future – how should survivors be treated, both financially and with practical support by the institutions in which they were abused and how, if a survivor wishes to sue, the legal system should deal with these cases.”

The Commission’s Redress and Civil Litigation report can be found here:

<http://www.childabuseroyalcommission.gov.au/getattachment/65eccf58-ec82-45b6-934d-023f80b946c9/Redress-and-civil-litigation-report>

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The Truth Justice and Healing Council is coordinating the Catholic Church’s engagement with the Royal Commission into Institutional Responses to Child Sexual Abuse.

For more information on the Truth Justice and Healing Council go to: www.tjhcouncil.org.au

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