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24/07/2019

Justice Legislation (Organisational Liability for Child Abuse) Amendment Bill 2019

Beyond Abuse has been supporting survivors of child sexual abuse in Tasmania since 2005. This includes: delivering support to survivors; providing advice to institutions who have perpetrated abuse; briefing media; and, providing policy advice and support to Parliament and government departments.

Beyond Abuse would like to congratulate the Tasmanian Government on the proposed amendments and calls upon all Members of Parliament and the Legislative Council to support this bill.

The Government bill implements recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, in particular, the 2015 Redress and Civil Litigation Report. In addition the bill allows past settlements and judgements to be set aside upon application to the court where it is fair and reasonable to do so.

Beyond Abuse supports this reform as essential to delivering justice to all survivors of institutional abuse in Tasmania and correcting the wrongs of the past.

Tasmania has already passed legislation removing the statute of limitations for new civil actions arising from child abuse. However, that reform leaves many survivors trapped by unjust past settlements that they were forced into by institutions invoking the time limits defence loophole.

Prior to the removal of the time limits defence, institutions used time limits to obstruct victims from seeking justice, and trapped victims in heavily discounted settlements by threatening to pursue legal costs if the victim did not enter into the settlement. Many survivors were left with settlements that did not even cover their health care costs.

Survivors of institutional abuse in Tasmania should not be penalised for having had the courage to report the crimes and attempt to seek justice at a time when the time limits loophole was being exploited by institutions.

The ability for those survivors to now set aside those unjust past settlements in order to negotiate fairer settlements is an essential step for the Tasmanian community properly redressing this long overdue issue.

Failure to implement this reform will result in Tasmania creating two classes of victims, those with a right to justice and those without a right to justice.

Beyond Abuse supports any reform which delivers equal access to justice for all survivors of abuse.

Beyond Abuse supports the policy objectives of the Government Bill in ensuring that perpetrators of child sexual abuse and the institutions who harboured them are no longer protected by inappropriate legal loopholes.

The creation of consequences for misconduct is an important pillar of child protection because it motivates institutions to invest in child protection including staff recruitment, training and monitoring processes.

The bill, including the provision to set aside past unjust settlements and judgements is consistent with legislative approaches being taken in other jurisdictions.

Beyond Abuse supports the bill and requests the bipartisan support of the Opposition and cross benchers on this important social justice issue.

Board of Directors
Beyond Abuse