



# Archdiocese of Hobart

Office of the Business Manager

2 August 2019

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Office of the Secretary  
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Attention: Julian Vittorio

Dear Mr. Vittorio

## **Submission to the Justice Legislation (Organisational Liability For Child Abuse) Amendment Bill 2019**

I write this submission in my capacity as Business Manager of the Roman Catholic Church Trust Corporation of the Archdiocese of Hobart, constituted under the Roman Catholic Property Act 1932. In short, known as the Archdiocese of Hobart.

The Archdiocese acknowledges each child and vulnerable adult is a gift from God, with innate dignity and immeasurable value. This worth is not dependent on the way they look, behave or which family they belong to.

The Catholic Church has zero tolerance for the abuse or neglect of children or vulnerable adults and is committed to acting in their best interests. The Archdiocese has established a Safe Communities Framework to protect children and vulnerable adults from abuse and neglect. The framework requires the involvement of everyone in the Catholic Church within the Archdiocese.

The Archdiocese acknowledges that the Bill seeks to enact the findings of the Royal Commission in its Redress and Civil Litigation Report, by assessing barriers for the survivors of child abuse to successfully make civil claims against religious institutions and welcomes these

measures. Legislation has been enacted in other states, such as New South Wales, to this effect. We note this Bill closely mirrors the latter.

The following comments are made in relation to the Bill:

***Civil Liability Act 2002***

***Individuals who are associated with organisations [s 49G(3)]***

The remoteness of the connection between the individual perpetrator and the association may mean that responsibility could be unfairly placed on the association. For example, tuition provided to a child as a result of a one-off meeting in a church setting between the tutor (perpetrator) and the child's parents who then engage the tutor.

In applying the criteria set out in s 49H(4) to determine if an organisation took 'reasonable precautions' to prevent abuse, a scenario like that above may result in the Church being held responsible.

Whilst it is acknowledged that each case rests on its own facts, other like situations offer the potential to extend the association between the Church and perpetrators beyond that intended by the Royal Commission and Parliament, or that which would be considered fair and reasonable.

***Amendments to the Limitation Act 1974***

**Insertion of s 5C – Previously settled causes of action - setting aside of an agreement**

Given the fact that 5(C) is not exhaustive, do you consider that the process leading up to settlement (particularly evidence of independent third-party consultation by the person concerned) could be amongst the relevant factors to which a Court could have regard, when considering whether it was in the interest of justice to set aside a deed of settlement. If not, could Parliamentary Counsel be instructed to list the process leading to settlement as a relevant factor?

Yours faithfully,



R. E. Ward

**Business Manager  
Archdiocese of Hobart**