



Royal Commission into Institutional Responses to Child Sexual Abuse

Update on the Government of South Australia's response to the 'Redress and Civil Litigation Report'

The Royal Commission into Institutional Responses to Child Sexual Abuse released the 'Redress and Civil Litigation Report' in September 2015.

The report contains 99 recommendations regarding civil justice for survivors of institutional child sexual abuse.

The majority of recommendations (1-84) refer to the establishment of a National Redress Scheme for survivors.

Recommendations 85-87 relate to the introduction of state legislation to allow victims of institutional child sexual abuse to make a compensation claim without the restriction of a time limit.

The remaining 12 recommendations refer to legislation by states to further support civil claims. This includes introducing model litigant guidelines, directing how government and non-government institutions should conduct legal proceedings concerning allegations of child sexual abuse.

National Redress Scheme

The federal government is leading the development of a National Redress Scheme and has invited all state and territory governments and non-government institutions to participate.

Overview of the scheme

The scheme will be centrally administered by the federal Department for Social Services and can provide an eligible applicant with:

- a 'direct personal response' from the relevant responsible institution consistent with minimum standards
- a monetary payment
- support to access counselling and psychological care consistent with minimum standards.

Subject to legislation passing federal Parliament, the national scheme will commence on 1 July 2018 and will run for 10 years. Each participating state and territory will determine when the scheme will become operational in their jurisdiction. Institutions can join anytime within the first two years of operation.

Participation of South Australia

South Australia currently provides an ex gratia payment scheme for survivors of child sexual abuse in state care, with payments up to \$50,000. This scheme was established following the recommendations of the Children in State Care Commission of Inquiry, led by Commissioner Mullighan, and remains open.

On 28 May 2018, the Government of South Australia announced its intention to participate in the National Redress Scheme. This will involve providing recognition, financial redress and support to access psychological counselling to people who were abused in institutions operated by the state government, such as state operated schools and out-of-home care. While Federal laws governing the National Redress Scheme commence on 1 July 2018, South Australia will require legislation to be drafted and introduced and administrative arrangements to be undertaken to allow the scheme to operate at the state level. This could take up to 12 months to finalise. Survivors who have received a payout from the existing state government ex gratia scheme will be eligible to apply to the National Redress Scheme. The Government will continue to accept applications under the existing ex gratia scheme until the national scheme is ready to receive applications from South Australian survivors.

Civil litigation

The Government of South Australia recognises that victims of institutional child sexual abuse should be able to seek proper compensation regardless of how long ago the abuse was committed. As such, the state government has introduced new laws into Parliament to remove limitation periods that apply to claims for damages arising from child sexual abuse. If passed, this would allow victims to make compensation claims without the restriction of a time limit.

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