



Submission in response to:

**Royal Commission into Institutional Responses to Child Sexual
Abuse**

Consultation paper - *Redress & Civil Litigation*

March 2015

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Introduction

Berry Street welcomes the opportunity to respond to this consultation paper on Redress and Civil Litigation. We commend the approach of the Royal Commission in exploring these matters in a considered and collaborative manner with a view to provide final recommendations well in advance of the Commission concluding its work.

As we have noted in previous submissions provided in responses to the Commission's various issues papers the passage of time should never diminish our responsibility to fully respond to allegations of abuse and neglect. The passage of time does not of itself provide healing, recovery and restorative justice for children victims of abuse or neglect. What can be the willingness to confront failures in caring for and protecting children, to place the interest of the victim ahead of organisational interests and to fully commit to redress and reparations.

The Royal Commission will also have received a response to this consultation paper from Open Place. Berry Street auspices Open Place and is strongly supportive of the work undertaken by Open Place in engaging, assisting and advocating for Forgotten Australians. We support and endorse the submission provided by Open Place which was developed drawing together the views and experiences of Open Place clients.

Redress for harm experienced in institutional care

Through dialogue with the Royal Commission and in our response to *Issues Paper Six - Redress* Berry Street has raised the matter of how a redress scheme can appropriately respond to the needs of people who have grown up in government provided, funded, regulated or licensed children's homes, orphanages, missions, foster care homes, residential care or other child welfare Institutions. Children who grew up in, or spent considerable periods of their childhood, in state care.

Children and young people who experienced these forms of institutionalisation, including the Stolen Generations, Forgotten Australians and former Child Migrants, were commonly subjected to institutional abuse. Institutional abuse in the sense that to be placed in institutions so antithetical to their needs and rights as children that even where specific incidents of abuse may not have occurred being institutionalised was in and of itself an abuse.

The institutional environment these children experienced was often so profoundly deficient it severely impaired children's development with life long consequences. For the Stolen Generations there was the added trauma of cultural abuse. Deliberate practices of demeaning, devaluing and degrading Aboriginal and Torres Strait Islander children's identity and culture under the guise that this was in their best interests. Additionally many children and young people in these institutional settings experienced episodes of physical, emotional, cultural and sexual abuse.

Berry Street is fully cognisant of the focus of the Royal Commission terms of reference on sexual abuse. It would not be inconsistent with these terms of references for the Royal Commission to recommend or note that in establishing a redress scheme(s) to respond to the institutional sexual abuse of children, that such a scheme could be structured to also receive and respond to

allegations of emotional, cultural or physical abuse from persons who grew up in institutional state care. Berry Street argues that as the state was acting in *loco parentis* for these children when they suffered sexual, physical, emotional or cultural abuse they represent a distinct group of survivors requiring a broader redress response.

We note and highlight the data included in the discussion paper (Table 10 - Abuse by institution) on the institutional types where abuse occurred as indicated by survivors in private sessions with the Commissioners. Out of Home Care (OOHC) accounts for over 42% of the total number of sexual abuse reports made through private sessions. Education day and boarding schools are the next highest category at just over 28%. The predominance of OOHC is very significant and should frame how the Commission proposes that redress arrangements be structured.

The discussion paper is silent on how to provide comprehensive redress for children who grew up in institutional state care, in OOHC. This is a significant omission and we urge the Royal Commission to ensure that its final report on redress is not silent on this matter. What the Commission chooses to say is a matter for the Commission but to say nothing would be injurious towards survivors of institutionalised and abusive state care.

Establishing a redress scheme with a primary purpose of responding to institutional child sexual abuse, but with the option to deal with other matters arising in OOHC, would provide Forgotten Australians, Stolen Generations and former Child Migrants with one pathway through which to seek redress.

Governments and non-government institutions could 'opt-in' to this part of the scheme. We note that the consultation paper (pages 29 & 30) envisages scenarios where co-operative redress schemes enable institutions to 'opt in' and have a cooperative scheme receive and assess allegations. A national redress scheme (our preferred option) dealing primarily with institutional child sexual abuse could also respond to these broader allegations relating to state care on a contractual or fee for service for government and non-government child welfare institutions with the additional cost of claims relating to emotional, cultural or physical abuse being met by participating agencies.

Further, establishing a redress scheme with the potential to also assess allegations and complaints relating to other forms of abuse experienced by people who grew up in institutional state care would be consistent with the broad principles articulated in the Royal Commission consultation paper. These include:

- redress should be survivor focused and be about providing justice to the survivor
- that there should be a 'no wrong door' approach for survivors in terms of gaining access to redress
- that decision making in relation to redress is independent of the institutions that the abuse occurred in

Survivors of sexual abuse that occurred in OOHC are the largest survivor group that have come forward and requested private sessions and for the Commission to meet it's own test of being survivor focused it must respond to this survivor group.

In relation to possible structures for a redress scheme we note that the consultation paper states that;

“to achieve equal or fair treatment between survivors and to avoid survivors having to apply to the institution in which they were abused or make more than one application for redress, it is necessary to devise a structure for redress that provides an independent ‘one stop shop’ for survivors... (page 10) ”

Should any redress scheme established following the Royal Commission not have the additional capacity to deal with allegations of physical, emotional and cultural abuse it will mean that many thousands of people harmed while in the care of the state will not have a ‘one stop shop’ to seek redress for the abuses they suffered.

For instance survivors who experienced sexual abuse and physical abuse would have to make separate claims to separate bodies and tell their stories twice. Separate redress schemes would have to assess claims separately even though it is not uncommon that physical and sexual abuse co-occurs. A person beaten and raped during childhood in state care would face the prospect of seeking redress for having been beaten by lodging one claim with the offending institution and redress for having been raped through a separate claim to an independent redress body.

Unless a redress scheme for institutional child sexual abuse can also deal with other forms of harm for claimants who grew up in state care, agencies like Berry Street and State and Territory child welfare authorities will need to establish two sets of redress arrangements to respond to survivors who experienced multiple forms of harm.

Response to issues raised in Discussion Paper

Structural issues

Noting our comments above in relation to the needs of children who grew up in state care Berry Street endorses the range of structural issues identified by the Commission and has provided brief responses to each of those issues below.

Justice for victims

In responses to the Royal Commission issues papers on Redress and Civil Litigation Berry Street outlined our support for a national redress scheme that provides a fair and just response for all survivors of institutional child sexual abuse.

We view it is paramount that redress be seen to be fair, just, survivor focus and provide equal access and treatment for survivors. It is clear from the discussion paper and from our own work and contact with Stolen Generations, Forgotten Australians and former Child Migrants that transparency is essential. The variation in redress responses that people currently receive, from none at all to broadly adequate is not acceptable. We have seen first hand that this creates distress and anxiety amongst survivors and repeats the unfairness and arbitrary treatment they experienced in institutional state care.

Redress should be equal, noting that it is appropriate in our view to recognise severity of abuse. We agree that redress must be independent of all the factors the Discussion paper sets out including when the abuse occurred, the state or territory in which abuse occurred, the nature of the institution, institutional capacity to pay, or whether the institution still exists.

Current failings

Berry Street notes the view expressed in the discussion paper (page 8) that,

“ there was a time in Australian history when the conjunction of prevailing social attitudes to children and an unquestioning respect for authority of institutions coalesced to create the high-risk environment in which thousands of children were abused.”

We broadly agree but caution against any presumption that that time has forever passed. Assessing prevailing social attitudes towards children and childhood is complex. Our sense is that attitudes are dynamic, do not change or improve in a linear fashion, vary markedly within and between different cultural and socio-economic groups and within different institutions.

We note with concern that as reported by Victoria Police the production and distribution of child pornography is the fastest growing crime in the world.

“ Child abuse and online child sex offences are of increasing concern. Child pornography is said to be the fastest-growing crime type in the world and recorded child pornography offences in Victoria have almost doubled over the last decade. Victoria Police and other experts think that they are only detecting a fraction of the problem. In addition, the prevalence of other forms of child abuse is growing rapidly and is expected to continue to do so.”¹

Child pornography involves the committing of criminal sexual offences against children for purposes including the material enrichment of adults and sexual gratification of adults. We should assume nothing about changing attitudes towards children and childhood or about the trajectory of the prevalence of child sexual abuse.

Equally the extent to which ‘unquestioning respect for authority’ has diminished varies greatly across different cultural, religious and socio-economic groups and within different institutions. The exposure of systemic abuse within Australia’s Defence Forces is an example of where the capacity of adults, let alone children, to question authority inside an institution was severely restricted and bore no relationship to any change at the broader community level in relation to questioning authority.

It is important not to retrospectively project the prevailing attitudes towards children that were prevalent in institutions of the past onto the broader community of that time. It is noteworthy that during the second half of the twentieth century, (the main time period examined by the Royal Commission), arising from the Second World War there was a rapidly expanding commitment to human rights including the rights of children. Despite Australia being a leading nation in these developments a human rights focus did not penetrate into child welfare institutions, arguably it still hasn’t to the extent required to protect children.

Berry Street contends that the critical learning from this period is that institutions can rapidly develop an inward culture where the needs of the institution prevail over the needs of the people they are intended to serve. This can occur whatever the broader societal attitudes towards children happen to be. Inward culture can develop in child focused or adult focused institutions and institutions are particularly at risk of developing this culture where the clients they serve are vulnerable and disempowered. Residential care within contemporary OOHC systems is, when poorly monitored and resourced, at risk of developing this inward looking culture.

¹ Victoria Police Blue Paper: A Vision for Victoria Police in 2025. Victoria Police, May 2014 (page 13).

The complexity of the task

Berry Street acknowledges the complexity of the task and that at some point the desire to create a perfect redress scheme can impede the possibility of creating any redress scheme. Our position remains, driven by a survivor focus, that a national scheme is ideal. We are acutely aware however of the complexity of creating national schemes or approaches across multiple jurisdictions.

Elements of redress

Berry Street supports the scoping of the elements of redress as outlined in the discussion paper.

Within our existing approach to providing redress to survivors of maltreatment Berry Street has defined redress as measures taken by Berry Street where a complaint is upheld in order to acknowledge and remedy the harm caused to the victim or victims. The van Boven Principles as outlined by the United Nations Commission on Human Rights Sub-Committee on Prevention of Discrimination and Protection of Minorities guides Berry Street in our approach to past claims of abuse. Under these principles redress includes acknowledgement, apology, offers of support and assistance, undertakings to not repeat past injustices and offers of financial compensation.

We also refer the Commission to the Human Rights and Equal Opportunity Commission (HREOC) inquiry into the forced separation of Aboriginal and Torres Strait Islander children from their families and the resultant 1997 report, *The Bringing Them Home (BTH) Report*. The BTH report at recommendation 3 outlined the components that should form part of reparations. These included:

1. Acknowledgment and apology;
2. Guarantees against repetition;
3. Measures of restitution;
4. Measures of rehabilitation; and
5. Monetary compensation.

Given that Berry Street believes a key feature of any redress scheme should include an apology from the agency responsible, the development of a redress scheme should include a clear link to the agency involved, to ensure claimants are provided with an apology from the agency.

General principles for providing redress

Berry Street supports the general principles for providing redress as outlined in the discussion paper.

The *Bringing Them Home (BTH) Report* made recommendations for the Council of Australian Governments (COAG) to establish a national compensation fund to deal with the monetary compensation component of reparations. This included a national board to administer the fund and the broad principles and procedures for hearing of and determination of claims. These included the following procedural principles:

1. Widest possible publicity of the process
2. Free legal advice and representation for claimants
3. No limitation period
4. Independent decision-making and the participation of Indigenous decision-makers
5. Minimum formality
6. Not bound by the rules of evidence
7. Cultural appropriateness (including language)
8. Provision for a minimum lump sum in recognition of the fact of removal

9. Additional compensation upon proof on the balance of probability of the particular harm

The proposal advocated by HREOC for the Stolen Generations included, at point 9 above, an additional component of redress or reparations - financial compensation beyond a minimum lump sum monetary payment, point 8 above.

Berry Street acknowledges that the Royal Commission discussion paper proposes to limit redress to a 'recognition payment' with compensation to be dealt with, if at all, outside of the redress scheme through reformed civil litigation arrangements. Berry Street supports the redress scheme being limited to making recognition payments only but believes that there should be no deed of release that then restricts the option of a claimant who has received a redress payment from pursuing civil litigation.

As we understand the proposal from HREOC members of the Stolen Generations would have forgone civil litigation where they received financial *compensation* having met a balance of probability test.

Berry Street acknowledges the need for any redress scheme to ensure it is culturally appropriate, expeditious, non-confrontational and non-threatening in its approach to all claims, including claims from Aboriginal and Torres Strait Islander peoples.

Possible structures for providing redress

As noted above Berry Street's preference is for the establishment of a national redress scheme. In the interim we are working to replace our current internally managed redress scheme with an independent scheme that aligns with the values, principles and parameters of our existing approach.

In advocating for a national redress scheme it is important to acknowledge the importance and need for Commonwealth contributions towards a redress scheme. The Commonwealth, in its role with Child Migrants and Child Endowment payments, also has a duty of care responsibility to create and contribute to a redress scheme. The Commonwealth has a leadership responsibility to ensure that all survivors of institutional sexual abuse are not disadvantaged by virtue of having experienced abuse in one State or Territory jurisdiction rather than another. This is consistent with the survivor focus contained with the Royal Commission terms of reference, terms of reference that all States and Territories assisted to develop and agreed.

Berry Street, therefore, supports the establishment of a national redress scheme that provides a consistency of approach across all States and Territories of Australia. A national scheme would also enable survivors residing in States and Territories away from the State or Territory where they experienced harm to more readily access the redress scheme.

Past and future abuse

Berry Street notes the view expressed in the discussion paper that changes to civil litigation may lessen the need for an enduring redress scheme by altering the power in-balance between survivors and institutions.

The major reforms that have been advanced in relation to civil litigation are to remove time limitations for commencing proceedings and to ensure that a proper defendant can be identified, that there is a legal entity to sue.

Berry Street supports the removal of time limitations and commends the Victorian Government for proceeding with the necessary legislative amendments to achieve this outcome. We also support legislative reform to ensure churches and other institutions have to provide a legal entity that can be sued. As important as these reforms are the power in-balance between survivors and institutions is profound, complex and driven by factors beyond restrictions for commencing proceedings or identifying a legal entity to sue.

As has been sadly and clearly demonstrated in civil litigation cases even where a proper defendant can be identified (*Gunner and Cubillo vs The Commonwealth*) and litigation cases commenced that power in-balance remains. It seems consistent with the survivor focus of the Royal Commission for any redress scheme that is created to be enduring and to remain in place to respond to future abuse cases and allegations.

Children

Berry Street supports redress arrangements being available to children to seek redress while the victim (survivor) is still a child. The discussion paper notes that parents or guardians may wish to seek redress on behalf of a child or pursue civil litigation.

Children and young people who are under child protection orders and in Out-of-Home Care face the barrier of how redress might be pursued on their behalf when it is their guardian, (child protection authorities), who are directly, partly or vicariously responsible for the abuse and the breach in duty of care. In these scenarios, which or not uncommon, the guardian is positioned as both the only possible advocate for a child claimant and the defendant to the allegation.

Berry Street believes that children and young people in OOHC need access to an independent guardian or advocate that can act on their behalf and pursue redress and/or civil litigation while the child or young person is still under the age of 18. Statutory authorities such as Commissions for Children and Young People and the NSW Children's Guardian could through appropriate amendments to their powers and functions assume this role.

Data

Berry Street notes the data that was included with the discussion paper. Given our role as a provider of Out of Home Care Berry Street has a particular interest in the data relating to OOHC and notes that OOHC accounts for over 42% of the institutional settings reported in private sessions. We have commented on the significance of this earlier in our submission. It would be of assistance to Berry Street and others with an interest in OOHC if the Commission could provide a break down of the time periods in which the abuse in OOHC, as reported through private sessions, occurred, ie (1940's, 1950's). This might assist with some comparative analysis to major changes in OOHC legislation, practice and institutional arrangements.

Direct personal response

Principles for an effective direct personal response

Berry Street has considered and supports the principles outlined in relation to the provision of a direct personal response including that re-engagement with the institution(s) should only occur where the survivor requests this.

Interaction between a redress scheme and direct personal response

Berry Street supports the role of the redress scheme envisaged in the discussion paper of facilitating contact between the survivors with the relevant institution(s).

Counselling and psychological care

In relation to counseling and psychological care Berry Street supports the holistic way that the discussion paper introduces this area, specifically the acknowledgement that the effects of sexual abuse are evident at multiple levels as follows;

- at the individual level: mental health and physical health
- at the interpersonal level: emotional, behavioural and interpersonal capacities
- at the societal level: quality of life and opportunity

That said we believe the discussion paper then takes too narrow a focus on counselling and psychological care that is targeted at the individual level on mental health effects. Berry Street would prefer the use of the term, ***Social and Emotional Well Being***, to encompass counselling and psychological care and the other aspects of well being such as physical health, emotional, behavioural and interpersonal capacities, social connection and quality of life.

Open Place, the support service for Forgotten Australian's, funded in Victoria for care leavers who left state care before 1989 utilises this broader model. It enables and supports services provision encompassing assistance with access to records, establishing and facilitating local community based support groups, brokerage funds to provide limited access to dental, optometry and other health assistance, access to counselling and psychological care, assistance with the development of life skills, access to activities and groups to promote physical health and community education and advocacy.

Principles for counselling and psychological care

Noting the comments above Berry Street supports the principles outlined in the discussion paper for the appropriate provision of counselling and psychological care. Those principles should be applied to the provision of support for the social and emotional well being of survivors. Particular attention should also be paid to Aboriginal and Torres Strait Islander approaches to healing and responding to complex trauma, which for Indigenous survivors includes intergenerational trauma.

Current services and service gaps

A redress scheme should enable access to provision of specialist support services and priority access to existing government assisted services such as medical, dental and housing services.

Forgotten Australian's through the Alliance for Forgotten Australian's (AFA) and CLAN (Care Leavers Australia Network) have advocated for some years for a 'Gold Card' (commensurate with the Dept of Veterans Affairs Repatriation Health Card - For All Conditions) to be issued to Forgotten Australian's to provide access to the full range of health care services at Commonwealth Government expense including medical, dental and optical care, within Australia.

Berry Street supports the development of a 'Redress Gold Card' as advocated for by AFA and CLAN and that this card be made available to Forgotten Australians, former Child Migrants and the Stolen Generations. Administratively a success claim for redress to the redress scheme from a Forgotten Australian, former Child Migrant or member of the Stolen Generations should be taken as sufficient evidence of eligibility for a 'Redress Gold Card'.

Principles for supporting counselling and psychological care through redress

Berry Street supports the principles outlined in the discussion paper for the appropriate provision of counselling and psychological care during the assessment of claims through the redress process. Specifically that support available through redress should supplement and not replace existing services that redress should fund rather than directly provide service access.

Options for service provision and funding

Berry Street sees merit in the development of a dedicated stand-alone Australian Government scheme to provide access to psychological care and counselling for survivors who have had a redress application approved. The benefit of this approach is that is consistent with the one stop shop approach but allows the flexibility for survivors to access services of their choosing.

Monetary payments

Purpose of monetary payments

Berry Street agrees with the view expressed in the discussion paper that there must be absolute transparency regarding the purpose of monetary payments and that as outlined that purpose should be to provide a tangible means of recognising a wrong that a person has suffered. As such the payment is not a payment for compensation.

Monetary payments under other schemes

Information on payments from other schemes is noted. Berry Street considers that redress schemes documented in the paper from Tasmania, West Australia, Queensland and South Australia provided inadequate levels of payment to genuinely acknowledge the wrongs experienced by claimants. Our view is that those schemes provided insufficient average payments and insufficient maximum payments.

A possible approach

Berry Street endorses the core elements of the approach outlined in the discussion paper including an average payment of \$65,000 and use of a simple matrix (Table ES1) to determine the level of payment for each claim. We note that the modeling prepared for the Commission assumes a minimum payment of \$10,000. Berry Street believes that this level of payment is too low for a minimum payment and recommends \$20,000 as the minimum payment. Our preferred parameters would include a minimum payment of \$20,000, average payment of \$65,000 and a maximum payment of \$150,000.

Payments in this range are very significantly below what a claimant might expect if they had access to the resources, evidence and legal support to successfully pursue civil litigation and obtain compensation.

Approved payments should at the choice of the claimant be made available to them in instalments.

Redress scheme processes

All institutions (Government and non-government) should be required to participate in a redress scheme. This is to ensure that all claimants are able to access equitable redress regardless of the organisation or institution responsible for the abuse.

In relation to redress scheme processes Berry Street supports the following:

- eligibility to extend to physical, emotional and cultural abuse for claims arising from survivors who spent time in OOHC
- no cut off date
- any previous redress payments (institutional or government schemes) to be taken into account
- comprehensive publicity and promotion of the scheme including through key government agencies and systems such as Medicare and Centrelink
- simple application processes, assistance to access records for care leavers and access to

- counseling and support during the process
- institutions to be routinely advised when they are implicated in a claim and contact between claimant and institute to be facilitated by redress scheme where applicant is wishing to engage with the institution
- standard of proof to be plausibility. This in our view is appropriate because the payments are not compensation and therefore a lower standard of proof is appropriate
- decision making process should bring together knowledge and experience including legal, psychosocial, trauma informed, cultural and medical
- offer and acceptance and deed of release - Berry Street does not support a requirement for a deed of release. This would be inconsistent with the purpose and levels of the payments; which are not intended to provide compensation but a tangible acknowledgment of a wrong and that harm has occurred. We can also see no reason to impose a three-month time limit on accepting an offer of a redress payment and recommend a longer period of up to 12 months.
- Deeds of release - as noted above we do not support the imposition of a Deed of release that would restrict the capacity of a person to seek compensation through civil litigation. We do accept that any successful litigation should take into account funds and assistance accessed through redress.
- Interaction with alleged abuser. The redress scheme should act protectively in the best interests of children and notify institutions of the alleged abuser to enable them to take appropriate action.

Provision of legal assistance and financial counseling

Berry Street notes that the discussion paper supports the provision of limited free legal advice for recipients of redress payments as a form of assistance as part of any offer and acceptance process. We support this provision. In addition, and perhaps even more importantly, we recommend that as a component of the scheme all recipients of redress payments be provided with limited access to financial counseling and support. Beyond having payments disbursed as instalments this could assist recipients to develop and put in place a plan to effectively manage their redress payment in a manner that maximizes its long-term positive impact on their wellbeing.

Funding redress

The discussion paper has outlined principles (page 29) to provide some parameters for how a redress scheme can and should be funded. Berry Street supports these principles including that the non-government institutions should be required to fund redress that relates to approved claims arising from the institution.

It is also important to acknowledge the role of Commonwealth contributions towards a redress scheme. The Commonwealth, in its role with Child Migrants and Child Endowment payments, also has a specific duty of care responsibility to contribute to a redress scheme. The Commonwealth and State and Territory Governments have a responsibility to act as a funder of last resort where institutions have ceased to exist or have no capacity to meet redress payments. Any agency that declares that it is not able to meet redress payments should be excluded from government contracts for service provision.

It should be noted that in the OOHC context duty of care is shared with the state child protection authority. In Victoria there are existing protocols, uniform insurance arrangements for the period 1989 onwards and model litigant guidelines which taken together frame the current approach to funding redress.

Interim arrangements

In relation to interim arrangements Berry Street supports all of the principles outlined in the discussion paper (page 30) on establishing independent redress processes with structural separation from institutions. The Berry Street Board has endorsed this approach and the agency is in the process of replacing its current internal process with an external and independent redress scheme. Possible structures

Civil litigation

In relation to civil litigation Berry Street supports the following:

- Limitation periods - no limitation period and we commend the Victorian Government for removing limitation periods
- Duty of institutions - Berry Street does not support institutions having an absolute liability so that institutions would be liable for abuse regardless of any steps they had taken to prevent it. We do support an imposition of liability on institutions unless the institution proves that it took reasonable steps to prevent the abuse
- Identifying a proper defendant - It is imperative in relation to institutional abuse that survivors can identify a legal entity, beyond the actual person who committed the abuse, to sue. We strongly support legislative changes to ensure that churches and other bodies provide a proper defendant.

References

Human Rights and Equal Opportunity Commission Report (1997).

Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families. Commonwealth of Australia.

The Senate Legal and Constitutional Affairs References Committee (Dec 2010) *Review of Government Compensation Payments.* Commonwealth of Australia

(http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2010-13/govtcomp/report/index)

United Nations Commission on Human Rights Sub-Committee on Prevention of Discrimination and Protection of Minorities E/CN.4/Sub.2/1996/17 *Principles and Guidelines on the Right to Reparation for Victims of Gross Violations of Human Rights and Humanitarian Law.*

(<http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>)