

2 March 2015

Victorian Government Response to the Royal Commission's Consultation Paper on Redress and Civil Litigation

The Victorian Government welcomes the opportunity to respond to the important issues raised by the Royal Commission's consultation paper.

The report of the Family and Community Development Committee of the Victorian Parliament's Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations, entitled *Betrayal of Trust*, was tabled on 13 November 2013.

Recommendation 28.1 from *Betrayal of Trust* suggested a government-run Victorian redress scheme for victims of child abuse in an institutional context. The Victorian Government has previously indicated—both publicly and in discussions with the Royal Commission—that it is progressing work on options for a Victorian redress scheme in response to this recommendation.

In the near future, the Victorian Government intends to release a public consultation paper on redress that canvasses options relating to possible scheme models and the scope and operation of a potential Victorian scheme. As many of these issues are also raised in the Royal Commission's consultation paper, the Government will continue to engage with the Royal Commission in relation to its work on redress, and will provide the Royal Commission with a copy of the Victorian consultation paper upon its release.

The Victorian Government recognises the importance of implementing the recommendations of *Betrayal of Trust*, as well as responding to the work of the Royal Commission. The Government intends to pay close attention to the forthcoming recommendations of the Royal Commission with regard to redress and civil litigation, due in mid-2015.

The Government's public commitment to implementing all outstanding recommendations from *Betrayal of Trust* extends to civil law reforms outside of redress, including, as a matter of priority, reforms to the *Limitation of Actions Act 1958*.

The Government has recently introduced a Bill into the Victorian Parliament to completely remove the limitation periods that apply to civil actions founded upon child abuse, with both retrospective and prospective effect. The reforms also remove the 12-year long-stop limitation period for wrongful death actions in relation to child abuse brought by dependants of a deceased. This Bill was developed following extensive internal and external consultation, and is an important step in allowing greater access to justice for survivors of child abuse.

In relation to the remaining civil law reform recommendations from *Betrayal of Trust*, some of which are addressed in the Royal Commission's consultation paper, the Government will develop and release further consultation materials following the release of its redress consultation paper.

Outside of redress and civil litigation, the Victorian Government is introducing new child safe standards in response to *Betrayal of Trust*, to cover organisations engaged in child related work. The Victorian Government is currently engaged in stakeholder consultation to seek input on what these standards should entail. These standards are intended to drive cultural change in organisations, so that protecting children from abuse is part of these organisations' everyday thinking and practice. A new system will also be introduced which will require organisations to report allegations of abuse to a central independent oversight body.

Previously, three new criminal offences have been implemented in Victoria to better protect children from harm. These offences relate to the 'grooming' of children and the reporting of child sexual abuse. Additionally, Victoria has enhanced its Working with Children Check Scheme to require all ministers of religion to obtain a Working with Children Check, unless their contact with children is occasional and incidental to their work as a minister.