

Submission  
Response to Issue paper 5  
Civil Litigation

My name is [REDACTED] and I was a State Ward in the State of Western Australia for over 16 years. While in the care of foster parents in Western Australia I was sexually abused over a prolonged period of time. The Department for Community Welfare knew I was living with a child abuser as my brother had been removed from that placement due to making allegations of sexual abuse against the adult son of the family we were living with. Three members of my family participated in Western Australia's Redress Scheme in 2008 – 2011 and I was awarded the highest level of ex-gratia payments based on my claims.

Since 1988 I have contacted a number of lawyers and had discussions about taking civil action against the State of Western Australia. In the first conversation, I was told that there was no point, as the State Government had free Lawyers. The lawyer went on to explain that just starting such a legal process would financially break me as the Government would use its financial muscle to increase my costs and therefore make it unattainable. One of the questions that lawyer asked was how much money did I have, when I said not very much, he responded by saying it was a waste of time.

In about 1997 I once again went down the path of contacting law firms to discuss taking the Government of Western Australia to court and seeking compensation through the civil system. This time I was informed that there was a Statute of Limitation in Western Australia and in my case that had expired. I was told that you could apply to the courts to allow you to bring your case to court. Once again the issue of financing such a process arose. I was told by two lawyers that just engaging in the process of seeking leave from the courts to have a case heard would financially break me.

It is important to understand I had been angry all my life about how me, and my family had been treated while in care. So being told that I was powerless to take any form of legal action made me really angry and deeply depressed.

I would like the Royal Commission to make a series of recommendations that will enable people such as myself to be able to fairly engage in civil action if we so choose. I would like the Commission to consider recommending;

- That in the case of sexual abuse statutes of limitations do not apply;
- That there is the establishment of free legal services that supports victims of sexual abuse to access the civil system in each state and territory;
- That something be done to stop large and powerful institutions using their power and wealth to legally and systemically crush victims seeking fair compensation.

I think the Civil Law System in Australia is all about access to resources. Given that many victims of sexual abuse may have lived a life full of personal challenges, which in many instances has led to those people becoming

