



FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

# MEDIA RELEASE

From Committee Chair, Ms Georgie Crozier, MP

13 November 2013

## Significant legislative changes recommended by Committee

Strengthening the criminal law, making access to civil litigation easier for victims and establishing a new independent avenue for justice are some of the key recommendations in the final report of the Victorian Parliamentary Inquiry into the handling of child abuse by religious and other organisations, tabled today.

Committee Chair, Ms Georgie Crozier, MP hoped the recommendations would help victims to pursue justice more easily and provide a foundation for protecting our children into the future.

‘The criminal abuse of children involves extremely serious breaches of the laws of our community,’ Ms Crozier said. ‘When it happens in our society’s most trusted organisations, it is a betrayal beyond comprehension.’

‘Those who engage in it, or are in positions of authority and conceal such offences, should be dealt with under the criminal law.’

‘In the past, crimes have been covered up and organisations have prioritised their reputation and finances, but no more.’

### Criminal law changes

Ms Crozier said the Committee had made three key recommendations to create new criminal laws and strengthen Victoria’s existing laws:

- Compulsory reporting to police—legislative amendments to ensure that a person who fails to report or conceals criminal child abuse will be guilty of an offence.
- A new child endangerment offence—making it a criminal offence for people in authority to knowingly put a child at risk, or fail to remove them from a known risk, of criminal child abuse
- A new grooming offence—the creation of a separate criminal offence extending beyond current grooming laws to make it an offence to groom a child, their parents or others with the intention of committing a sexual offence against the child (regardless of whether the sexual offence occurs).

## **Easier access to the civil justice system**

‘Our Report makes recommendations to improve avenues of justice for those children who are now adults and seek vindication for past wrongs,’ said Ms Crozier.

Recommended improvements to make it easier to access the civil litigation system include:

- Removing time limits—legislative amendments to exclude criminal child abuse from the current statute of limitations, recognising that it can take decades for victims to come forward about their abuse
- Duty of care and liability—legislative amendments to ensure organisations are held accountable for their legal duty to protect children from criminal abuse, and that they can be held vicariously liable for the actions of their employees and others who carry out their work, including volunteers.

‘Our Report also has proposals to make it easier for victims to sue an organisation by recommending changes to ensure they are a legal entity,’ said Ms Crozier. ‘We propose that organisations receiving tax-exemptions or funding from the Victorian Government should be incorporated and adequately insured.’

## **An independent, alternative avenue for justice**

Ms Crozier said that the Committee acknowledged that barriers will still exist for a number of victims in accessing the civil justice system so they have recommended establishing an independent, alternative avenue for justice.

‘We believe this alternative justice avenue for victims should be paid for by non-government organisations and operated absolutely independent of organisations,’ said Ms Crozier. ‘In designing a new scheme, we believe it is critical that victims are consulted in its design.’

‘A key feature of the scheme would be that victims receive an independent determination of their claim and assessment of their individual needs, and that would then be funded by the relevant organisation.’

‘During the Inquiry the Committee welcomed the commitment made by many organisations to actively cooperate with any new schemes established in response to our recommendations. A failure to do this would constitute another reprehensible betrayal to victims.’

## **Preventative measures and ongoing independent monitoring**

Ms Crozier said that prevention was a strong focus of the Report. ‘Preventing criminal child abuse in the first place is our aim and there’s a number of ways we can improve our preventative framework.’

‘Scrutiny of the systems and processes used by organisations by an independent statutory body is also recommended, armed with the relevant powers, resources and authority to take on this important role,’ Ms Crozier said.

## Justice for victims

‘Victims have said loud and clear that they want justice, and that means different things for different people. Our Committee has proposed an umbrella of protections that we hope will allow victims to more easily continue their pursuit of justice and help prevent criminal child abuse happening in the future.’

‘We are acutely aware of how important this Inquiry has been for victims and that they have been waiting for our report with anticipation,’ Ms Crozier said.

‘The Committee thanks every victim who has had the courage to come forward to tell their story. We have not only listened to you, but we have heard you.’

‘To those people who have, for years and years, pursued justice on behalf of other victims, your commitment to seek change and accountability on these issues has played a huge role in this Inquiry and we thank you for your determination in bringing this issue sharply into focus.’

‘We hope this report and our recommendations will help prevent abuse of children in non-government organisations into the future in Victoria but also that our Inquiry will assist the work of the Royal Commission and provide a blueprint for other states in reviewing their own child protection frameworks.’

### **Further information:**

- *The final report is available on homepage of the Parliament of Victoria website at [www.parliament.vic.gov.au](http://www.parliament.vic.gov.au).*
- *Help for victims of crime in Victoria is still available through the Victorian Government’s Victims of Crime Helpline on 1800 819 817*
- *Task Force Sano has been set up in response to this Victorian Parliamentary Inquiry to investigate current and historic cases of child sexual abuse - their contact number is (03) 9247 6666 or email [sanotaskforce@police.vic.gov.au](mailto:sanotaskforce@police.vic.gov.au)*
- *The Royal Commission’s phone number is 1800 099 340 or email [registerinterest@childabuseroyalcommission.gov.au](mailto:registerinterest@childabuseroyalcommission.gov.au)*
- *For media queries by journalists, please contact Amanda Kennedy on 0409 890 658*