



David Shoebridge MLC
Member of the NSW Legislative Council

**Greens NSW Submission
4 September 2017**

Justice, Strategy and Policy
Department of Justice
GPO Box 6, Sydney NSW 2001

By email: policy@justice.nsw.gov.au

Thank you for this opportunity to make a submission on the NSW Government consultation in relation to the civil litigation recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

I note that the primary areas for consultation are the recommendations from the Royal Commission about the duty of institutions, identifying a proper defendant, and requiring institutions to hold insurance cover for child abuse.

My office has worked in this area with survivors of child sexual abuse for some time and strongly supports the need for reform in these areas. The recommendations from the Royal Commission must be urgently implemented and the Greens NSW will commit to working to ensure that this happens.

Since 2011 we have had a bill on the books in the NSW Parliament that would address the difficulties faced by survivors of child sexual abuse within the Catholic Church with identifying a proper defendant. This is the *Roman Catholic Church Trust Property Amendment (Justice for Victims) Bill*. I annex a copy of this bill here.

The many billions of dollars in assets held by the Roman Catholic Church are secreted away in property trusts. These trusts are established under a NSW law and the High Court has held that that the money held in these trusts is not able to be accessed by victims of the Church's abuse. The net result of this legal structure is that victims have no viable legal remedy to recover damages from the church for the abuse they have suffered.

The *Justice for Victims* Bill aims to do a very simple thing. It proposes to allow victims of sexual abuse to sue the property trusts as though they were the Church. It aims to force the Church to defend sexual abuse claims on their merits, not on legal technicalities, and in doing so the Bill attempts to give victims a real remedy.

If you require further information or to discuss please contact my office on david.shoebridge@parliament.nsw.gov.au or on 02 9230 3030.

Kind regards,

A handwritten signature in black ink, appearing to read 'D. Shoebridge', written in a cursive style.

David Shoebridge Greens NSW MP and Justice Spokesperson