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MEDIA RELEASE

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LEGAL BARRIERS DISMANTLED FOR CHILD SEX SURVIVORS

New civil litigation laws will be introduced into Parliament today paving the way for thousands of survivors to sue institutions responsible for child abuse.

NSW Attorney General Mark Speakman said the vital reforms, recommended by the Royal Commission's Redress and Civil Litigation report, remove long-standing legal barriers, enabling survivors to take action against institutions including churches that have failed to keep children safe from abuse.

"Overhauling the civil litigation system is an historic milestone for survivors, making it easier for them to pursue compensation for child abuse. Nothing can erase the devastation survivors have suffered, but these changes will help ensure institutions are more effectively held to account," Mr Speakman said.

The changes include:

- Removing the so-called 'Ellis Defence' that enabled certain institutions to avoid liability for child abuse. If relevant institutions fail to nominate a proper defendant to be sued, the Court will have power to appoint trustees to be sued.
- Codifying and extending the vicarious liability of institutions for employees to non-employees like volunteers or religious officers.
- Imposing a new statutory duty of care on all institutions that exercise care, supervision or authority over children to prevent child abuse. An organisation will be liable for child abuse unless it can prove it took reasonable precautions to prevent it.

"This legislation is the latest example of the NSW Liberals and Nationals Government leading the way in supporting survivors of institutional child sex abuse," Mr Speakman said.

"NSW was the first state to pass laws to enable the establishment of the National Redress Scheme and to introduce a comprehensive criminal justice response to the Royal Commission."

Limitation periods have already been removed for claims relating to death or personal injury because of child abuse, including against a perpetrator or negligent institution.

The civil litigation reforms to be introduced today follow extensive consultation with government and non-government organisations, survivor groups, religious institutions, the insurance industry and legal profession.