

Canberra child sex abuse survivors freed from unjust settlements, can seek compensation



By [Karen Barlow](#)

Updated November 22 2022 - 1:00pm, first published 12:55pm

[0 Comments](#)[Facebook](#)[Twitter](#)[Whatsapp](#)[Email](#)



Beyond Abuse founder Steve Fisher. Picture by Rodney Braithwaite.

Thousands of victims of child sex and child physical abuse in ACT are celebrating after the Legislative Assembly passed laws to free them from past unjust settlements.

The Canberra Times revealed in March that the [ACT was "dragging its feet"](#) as the last state or territory to specifically respond to the [Royal Commission into Institutional Responses to Child Sexual Abuse](#) to free trapped victims seeking fair treatment.

Pre-royal commission settlements with institutions such as churches are widely seen as one-sided, as victims are usually without a strong negotiating position. Beyond Abuse chief executive Steve Fisher welcomed the move. "Make no bones about it, this has been too long coming. However, now, when it takes effect, it will affect thousands of survivors," he said. "This is a day that we thought may never happen. "And, credit where credit's due, the government has

finally got there and survivors will now, in the ACT, be on a par with every other state and territory in Australia and be able to seek the justice that they deserve."

The ACT had acted [in 2016 to remove statutory time limits on civil cases of institutional child abuse](#), but failed to act on pre-royal commission settlements. Victim advocates described the government as "resistant" to further reform. The legislation passed on Tuesday widens the definition of child abuse to include physical abuse and gives courts the power to set aside past unjust settlements so survivors can seek compensation to which they are rightly entitled.

"Because of the statute of limitations, there was never a scheme whereby they could actually sue the institutions who let people abuse them. And now, they have that power," Mr Fisher said. "And believe me, it's an incredible feeling to know that you're in control of your own destiny. And it's going to be an amazing feeling for so many thousands of people." **READ MORE**

- [Beyond Abuse says ACT government 'dragging its feet' on unjust abuse settlements](#)
- [ACT moves on commission recommendations on child sexual abuse](#)
- [Victim advocates pressure government on child abuse reform](#)

ACT Attorney-General Shane Rattenbury hopes the new laws bring justice to victim survivors who have been in an "unfairly weakened bargaining position". He said they can now pursue just compensation claims "anew" and on their merits.

"This legislation has been designed to help remedy past injustices. Survivors of all forms of child abuse deserve, and have always deserved, adequate compensation for the trauma and serious personal injuries they have been burdened with through no fault of their own," he said in a statement.

"I would like to acknowledge the considerable input and knowledge that survivors and advocates have contributed to the development of these amendments.

"Thank you for sharing your stories and for advocating for change, as well as your strength and commitment to ensuring this reform will be of benefit to many child abuse survivors. This reform belongs to you, as does the justice it will bring."

Victim survivor groups particularly want to acknowledge the work of former independent Queensland MP Rob Pyne, in starting law reform in 2016 in that state to unlock unjust settlements.

The reforms then rolled out nationally until the ACT passed its Justice and Community Safety Legislation Amendment Bill on Tuesday.

Mr Fisher said he and others will be watching institutions to see how they respond, particularly for test cases, with most of the institutions in other jurisdictions "playing by the rules because they don't have any choice".

"The institutions just have to abide by the law for once in their lives. They can't pull a rabbit out of a hat anymore," he said.

"They just have to start playing fair."

In the meantime, it is a time to pause and reflect.

"I think every survivor in the ACT should be raising a glass and having a little celebration today," the Beyond Abuse CEO said.

"And, just looking forward to what's ahead and seeking advice about what is the best way for them to go, because now they can litigate, if they wish, or use any of the other compensation schemes that are available.