

Time limit on child abuse cases in South Australia ‘shameful’



SA Premier Jay Weatherill is under pressure over compensation claims by survivors of child sexual abuse. Picture: Calum Robertson

MICHAEL OWEN

The Australian | 12:00AM January 31, 2017



Save

Pressure is mounting on the South Australian government to fall into line with the rest of the country and abolish time limits for compensation claims by survivors of child sexual abuse, which currently prevent most victims from bringing civil actions against perpetrators and institutions.

As legal experts and victim advocate groups say the Weatherill government should “hang its head in shame for dragging the chain”, the opposition is calling on Labor MPs to support legislation before parliament to remove any limitation period on institutional child sexual abuse claims, to align South Australia with other jurisdictions.

Actions for personal injury in most states must generally be commenced within three years of it happening, and this time limit had applied to victims of childhood sexual abuse in every state, despite experts saying it takes survivors an average of 20 years to speak up.

But following a national royal commission, which recommended all states remove the limitation period on claims for child sex abuse, Victoria, NSW and Queensland removed the time limits.

The Western Australian government and opposition have promised to introduce legislation to abolish time limits after the state election in March, and in November the Tasmanian government also announced the abolition of limitation periods in child sex abuse cases.

But South Australia, which has previously been critical of aspects of the commonwealth Royal Commission into Institutional Responses into Child Sex Abuse, including a redress scheme, remained unmoved.

A spokesman for Attorney-General John Rau said the current state law “appropriately allows for justice to be served”.

The South Australian scheme is financially capped, and requires claimants to relinquish all rights to pursue the claim further, and any rights to appeal, if they accept an ex-gratia payment.

Claims for offences since September 1, 1990 are capped at \$50,000. For offences between 1969 and 1974 the limit is \$1000.

The system has been criticised by the Law Society and Victims Rights Commissioner Michael O’Connell.

Lawyer Angela Sdrinis, whose firm is representing several institutional child abuse victims in Tasmania, said the Weatherill government should be ashamed.

“In many of our cases we have documentary proof that the state knew our clients were at risk and failed to act. In these cases, the statute of limitations has been the significant barrier to successful litigation,” she said.

Matt De Gregorio, a partner with Adelaide law firm Duncan Basheer Hannon, has handled more than 100 cases against the state. He said the government was using the three-year time limitation during pre-hearing settlements as leverage to reduce compensation.

“During negotiations the government uses that to lessen the offer,” Mr De Gregorio said.

Opposition Deputy Leader Vickie Chapman has introduced a bill to parliament to remove any limitation period on institutional child sexual abuse claims to align with other jurisdictions.

-ends-