



October is Sexual Violence Awareness Month in Australia

The victims of sexual violence, specifically children victimised by institutions, such as organisations operated by Governments, Churches and other groups is the subject of current Royal Commission in Australia (childabuseroyalcommission.gov.au). Many heartbreaking stories have been presented to the Commission as a way of giving the victims a “voice”.

It's timely then to consider the civil avenues of redress open to victims of sexual violence (separate to rights under criminal law). A person who has suffered injury as a result of an assault, including sexual assault, is entitled to claim financial compensation against the perpetrator of the assault, where there is no lawful excuse for the assault. A legal entitlement may also exist to make civil claim against an organisation associated with the offender (such as government department, church or other institution) and including cases involving childhood sexual abuse.

What extent of financial compensation is possible as an outcome? There is much wider scope for a proper consideration of the true impact on a person's life through a civil claim than available under criminal compensation. The civil claim can include out of pocket expenses (such as fees for counselling, and funding for on-going therapy), an allowance for pain and suffering, as well as consideration of the impact on employment and loss of salary. In situation involving children it can be relevant to think about the impact of the assault on educational achievement which, in turn can lead to difficulties in the workforce and loss of income.

A practical obstacle often associated with the civil claim is the ability of the offender to pay compensation. This aspect is one of the topics under review by the Royal Commission, with an option being the requiring of organisations associated with children to have mandatory insurance which would provide coverage in the event of an offence.

I applaud the on-going efforts of the organisations providing counselling support to the survivors of sexual violence as well as the advocacy of greater understanding of appropriate conduct in our society. Recognition is made of the 25 years of service of the Gold Coast Centre Against Sexual Violence (admin@casv.org.au, www.stopsexualviolence.com), strongly led by its Co-ordinator, Di McLeod. I also make recognition of the contributions being made by Lighthouse: Centre for Human Trafficking Victims (ihj.jp) organisation in Tokyo.

These 2 organisations (and many others like them) are leading the campaign for respect in personal relationships. Is it making a difference in society? You better believe it! All of us can feel positive in the knowledge that change always begins with the word.

In a future Article, I will examine the legal issue of the timeframe limitation on the bringing of a civil claim for compensation.

HOW TO CONTACT MBA

ADDRESS:

The Point @ Varsity
47 Watts Drive, Varsity Lakes,
Queensland Australia 4227
P O Box 398,
Varsity Lakes Qld 4227

Contact

Phone: 07 5539 9688
Fax: 07 5538 2651
E-Mail: mitchell@mba-lawyers.com.au (Partner)
Website: www.mba-lawyers.com.au