

Survivor alarm at abuse reforms

Change may block compo

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- Shannon Deery

Victims of childhood sexual abuse fear they will be denied justice under plans being considered by the Alban government.

The Sunday Herald Sun has confirmed Attorney-General Sonya Kilkenny is considering introducing legislation to parliament that would, under one proposal, block some victims from seeking compensation for abuse.

The legislation is aimed at addressing a High Court ruling that limited the rights of victims to sue perpetrators of institutional abuse such as priests, Scout masters, volunteers, sporting coaches and other non-employees.

The ruling, handed down in the case *Bird v DP*, held that institutions cannot be held liable for sexual abuse if the offending priest or member of the religious order is not in an employment relationship.

Government sources have revealed one option being considered would not make the legislation retrospective, meaning it would capture only future offending and block victims of historical abuse from legal action.

“The big concern is that if the legislation was retrospective it would basically bankrupt a lot of organisations, including churches, volunteer groups and sporting clubs,” one said.

“Everyone agrees it should be capturing all abuse going forward, but many organisations would collapse under the weight of historical payments.”

But lawyer Judy Courtin – a long-time campaigner for the rights of victims of institutional abuse – said not making the legislation retrospective would be futile.

“All other legislative reforms in this space following the Victorian parliamentary inquiry and the Royal Commission into Institutional Sexual Abuse, have been retrospective,” Ms Courtin said.

“This was the whole point of the reforms, to provide justice to thousands of victims and importantly, accountability of institutions that had behaved criminally and unconscionably.”

Another option being looked at would limit compensation pathways to those abused in a religious setting, and seek to exempt certain groups from the legislation, including volunteer organisations and grassroots sporting clubs.

It is understood the Labor caucus is split on how to best address the High Court ruling, with some MPs firmly of the view that while religious institutions could handle the weight of costly compensation claims, smaller groups should be protected.

Ms Kilkenny said work was continuing to find a fair workaround to the High Court ruling.

In a recent submission to the government, the Australian Lawyers Alliance said it remained deeply concerned about the ongoing impact of the decision on victim survivors and insisted that any reform must be retrospective in order to address the barriers to accessing justice.

Legalise Cannabis MP Rachel Payne introduced a bill to parliament to address the decision.

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Start Page:**5**

End Page:**5**