

# Anglican diocese votes to give sex abuse survivors a clear legal entity to sue

Wangaratta becomes the third Anglican diocese in Victoria to choose to become a company so there is an identifiable church body to sue

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An Anglican diocese in Victoria has voted to become a company so child abuse survivors will know exactly who to sue if they launch a case against the church.

Wangaratta is the third Anglican diocese in Victoria to make the decision to incorporate.

Ballarat and Bendigo have already voted to make the change and the diocese of Melbourne will vote on whether to do so in the next few weeks.

The Victorian decisions cut through debates about the legal status of Anglican and Catholic churches in sex abuse lawsuits.

David Parsons, a legal adviser to Wangaratta, said the decision to become a discrete legal entity was made at a recent meeting of the diocesan synod - the governing body - which covers 60 Anglican congregations in north-east Victoria.

Parsons said he expected the change would happen relatively quickly.

The catalyst for the change was a claim in Workcover Victoria but Bishop John Parkes told the synod meeting on 28 May its importance lay in providing child abuse survivors with an identifiable church body to sue.

He said it was clear from a consultation paper on redress and civil legislation published in January by the royal commission into institutional responses to child sexual abuse that abuse survivors had difficulty identifying a correct defendant when they were dealing with religious bodies.

“The necessary outcome of any approach would seem to be that survivors should be able to sue a readily identifiable church entity that has the financial capacity to meet claims of institutional child sexual abuse,” he said.

Parkes also said it was important the Anglican church be seen to be on the front foot in responding to identified weaknesses in the child protection framework.

He referred to the Ellis defence, which had been used by the Catholic church to deter people from suing.

In that case the New South Wales court of appeal found Catholic church trustees could not be held vicariously liable for damages claimed by John Ellis who was abused by a priest in Sydney.

The court also found Ellis could not sue the then archbishop of Sydney, Cardinal George Pell, because the abuse happened when his predecessor was in charge.

There has been much debate about that decision, which the Catholic church says is no longer relied on by its lawyers.

As part of its response to the royal commission the church’s Truth, Justice and Healing Council proposed national legislative change to require all unincorporated associations working with children to set up properly funded entities for civil proceedings.

The council’s chief executive, Francis Sullivan, said on Wednesday there were already entities within the Catholic church that could be sued, but legislative change had yet to happen.

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