

Thankyou for the opportunity to submit to this inquiry. I contend that in the legal system generally, there is a substantial unevenness in parties' ability to litigate, and thus access to justice/the law generally.

In particular, large institutions eg prominent religious bodies are far more able to continually litigate than individual people, especially if those individuals have been disadvantaged in life (eg economically) through child sexual abuse. One of the effects of the National Redress Scheme is to mitigate some of this unevenness, though this is limited to the extent of the imposed cap. A more concrete couple of examples of this concept are delay tactics in legal proceedings or "litigaming", dragging legal proceedings on hoping that victims either give up or even die before settlement; or "lawfare", with perpetrating organisations engaging in never ending legal actions to avoid redress in a setting where they know their opponent, often an ordinary individual without any support, cannot keep up with their own legal costs. This occurs along with the legal threat of having to cover the costs of their well resourced opponents, typically perpetrating organisations in this setting.

In this context, institutions deciding to opt out of the scheme, despite its low cap, are making a decision that maintains the usual status quo of unevenness in litigation ability. They know this. This is part of a legal tactic. This tactic comes at the expense of people who have suffered the most horrific crimes imaginable, perpetuating and exacerbating the injustice. When considering child sexual abuse, it is generally accepted that legal and policy approaches are required which wouldn't be generally considered in other circumstances, as these crimes are just so beyond horrific.

Thus I propose a simple system. One which would again partly address this imbalance for the organisations who have opted out of the scheme. For those organisations, where there are established cases of child sexual abuse which deserve redress, the federal government should setup a scheme to facilitate the victims' civil legal actions. The scheme could take many forms, including but not limited to:

- directly funding legal costs for victims
- providing tax relief for victims who have incurred legal costs
- providing direct legal advice and counsel in court for victims
- a flexible combination of these and other conceivable options based on the needs of victims (who should be consulted).

In the cases where legal actions result in compensation, government costs can be sought from the perpetrators. Thus the scheme would have lower cost than what would otherwise be the case. Though it may still not be cost neutral given that a small number of cases may not be proven to a civil law standard. However the cost could well be minimal, while the societal benefit enormous. In any event, the answer to who is paying should be "whatever it takes, just get it done".

To conclude, we are talking here about child sexual abuse, surely among the most horrible and most suffering inducing crimes. As the failure of some institutions to opt in perpetuates these most horrible crimes, it would also be morally bankrupt for the relevant powers that be not to consider this proposal and in fact implement any scheme possible to facilitate redress for victims, on just terms.