Lawyers for the People
AUSTRALIAN LAWYERS ALLIANCE

The Honourable Mark Speakman SC MP
Attorney-General in and for the State of NSW
GPO Box 5341
SYDNEY NSW 2001

By email: [redacted] 10 March 2020

Dear Sir

RE: SETTING ASIDE DEEDS OF RELEASE IN RESPECT OF INSTITUTIONAL ABUSE VICTIMS

I write as State President of the Australian Lawyers Alliance ("ALA"). You would be aware that historically, many abuse victims were induced into entering into minimal settlements because of the difficulty of overcoming limitation barriers as well as other problems, some of which have been addressed in the *Civil Liability Amendments (Organisational Child Liability) Act* 2018 No 56. In *Magann v Trustees of the Royal Catholic Church of the Diocese of Parramatta* [2019] NSWSC 1453, N Adams J held such a Deed of Release to be valid and binding. The injustice of that outcome is obvious.

Thus, far Victoria, Queensland, Western Australian and Tasmania have legislated to overturn such unjust settlements. Only New South Wales and South Australia have not yet taken action.

On behalf of the ALA I request your urgent intervention to provide justice to victims who faced limitation barriers as well as difficulties of identifying a defendant and in respect of whom unjust Deeds of Release were signed.

The ALA notes that the Government has only just released a discussion paper as to whether NSW courts should be given the discretion to set aside historical settlements of child abuse cases. The ALA strongly supports such measures, consistent with legislative steps taken in other jurisdictions.

Yours sincerely

President NSW Branch of Australian Lawyers Alliance

cc. The Honourable Natalie Ward MLC, Parliamentary Secretary to AG
- Natalie.ward@parliament.nsw.gov.au