



## Landmark High Court decision positive news for families of historical sexual abuse survivors

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Childhood sexual abuse leaves a devastating web of trauma, ensnaring not only the survivor but also their loved ones, who may become secondary victims of the trauma. The High Court has now confirmed the decision of the Victorian Supreme Court, Court of Appeal in that eligible family members of secondary victims of historical abuse may seek compensation for the psychological injuries they have developed.

This means that parents, siblings, other family members and very close friends who are significantly impacted by the historical abuse may be able to claim compensation. In the past, recognising their suffering by being able to adequately compensate secondary victims of historical sexual abuse has long been an uphill litigious battle, with the Courts and Parliament leaving the question unanswered.

If someone close to you has been a victim of [child sexual abuse](#), and as a result of that, you have endured emotional or psychological stress, you may be eligible to seek compensation. These claims are very complex, and highly experienced legal advice is crucial.

### Get free advice from an abuse compensation lawyer

Guardian Injury Law provides free advice about your unique circumstances and your eligibility to claim compensation.

Your first consultation is 100% free, so it costs you nothing to find out where you stand.

## Who are secondary victims of child sexual abuse?

When a loved one experiences childhood sexual abuse, the impact can ripple outward to affect those around them. These individuals, often family members or close friends, are known as secondary victims. They may experience significant emotional distress and psychological harm because of the abuse, even though they were not directly targeted.

## What was the Victorian Supreme Court's decision?

The Victorian Supreme Court recognised the suffering of secondary victims of child sexual abuse.

The case, *RWQ v Catholic Archdiocese of Melbourne & Ors* [2022] VSC 483, involved a father who developed nervous shock after learning about his son's childhood sexual abuse. The court ruled that the father's claim was valid as his claim for psychological injuries was "founded on or arising from" the abuse his son faced.

The Court determined that the matter fell under the *Legal Identity of Defendants (Organisational Child Abuse) Act 2018* ('the Act'), paving the way for him to seek legal action against the Catholic Archdiocese.

The Archdiocese appealed the lower court's decision to the Victorian Supreme Court, Court of Appeal. In a significant ruling on 25 August 2023, the Court of Appeal unanimously agreed that the *Legal Identity of Defendants (Organisational Child Abuse) Act 2018* clearly applied to RWQ's case. They emphasised that the Act's broad language allows compensation claims, even when the connection between the abuse and the harm suffered isn't as direct.

You can read more about RWQ's case in the Victorian Supreme Court in our previous blog, ["A victory for secondary victims of childhood sexual abuse"](#).

## The High Court's decision and what it means for secondary victims

The Archdiocese sought permission of the High Court to appeal the judgement of the Court of Appeal, handed down on 25 August 2023.

In a monumental decision, the High Court refused the Archdiocese's application for the appeal to be heard further. That is, the High Court decided that it would not allow a hearing to proceed. This means that the Court of Appeal's original decision stands, solidifying the legal right of secondary victims to seek compensation.

This decision means that victims who are friends, parents, siblings, or other family members of abuse survivors can now seek compensation for psychological harm resulting from their loved one's ordeal. This marks a significant step forward in holding organisations accountable for child sexual abuse and its far-reaching effects.

The devastating impact of abuse on families was tragically evident in the RWQ case, where a father suffered severe psychological distress upon learning about his son's abuse. This decision paves the way for other secondary victims to find solace and support through legal recourse, fostering a path towards healing.

## Get help from a lawyer experienced in abuse law

The trauma of childhood sexual abuse ripples outwards, affecting not just the direct victim but also their loved ones. If you're a parent, sibling, friend, or partner impacted by someone else's abuse, you deserve support and potential compensation.

At Guardian Injury Law, we understand the unique challenges secondary victims face. Our trauma-informed approach prioritises your well-being throughout the legal process. We'll listen carefully to your story and guide you every step of the way.

We'll help you understand your options and explore whether a compensation claim is right for you.

### Contacting Guardian Injury Law

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