

Principles for Responding to Civil Claims of Institutional Child Sexual Abuse

Approved by Assembly Board on 30 March 2026

The Principles outlined in this Guideline have been adopted by Baptist Churches of South Australia and the Northern Territory Incorporated (BCSANT) in direct response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, as published in the January 2015 Consultation Paper on *Redress and Civil Litigation*.¹

These guidelines are adapted from those adopted by the National Body of Australian Baptists known as Australian Baptist Ministries (“ABM”) and recommended by ABM to be adopted by each State and Territory Baptist Association, affiliated Baptist agencies and delegated bodies that are members of ABM.

These principles set out best-practice guidelines that will be adopted by BCSANT when the Association is involved in civil litigation matters relating to claims of institutional child sexual abuse. BCSANT recommends (but is unable to mandate) that individual member churches and affiliated ministries adopt these Principles in respect of institutional child sexual abuse claims that they might be a party to.

1. Objective

BCSANT seeks to treat all claimants in civil litigation matters with dignity and respect. Particularly in matters concerning institutional child sexual abuse, BCSANT acknowledges that legal proceedings involved with civil claims for compensation are difficult for claimants who are survivors of institutional child sexual abuse, with the potential to cause further trauma and distress.

Through the implementation of these Principles, BCSANT seeks to put into practice its biblical beliefs and foundational values. These values include “to witness, with love and compassion, to the Lordship of Jesus”, to act “for the good of the church and the community in the service of God’s mission,” “to be a prophetic community of God’s grace in his world.”²

In doing so, we aim to:

- Minimise potential re-traumatisation for survivors;
- Avoid unnecessarily adversarial responses to claims;
- Provide practical standards and best practice guidelines for BCSANT and its member churches (where individual churches choose to do so) and affiliated ministries to adopt in civil litigation matters;
- Promote consistent and compassionate responses to civil claims involving BCSANT and its member churches.

The Principles seek to provide fairness and honesty and to encourage a ‘model litigant’ approach to litigation.

¹ Recommendations 96-99 on p.534 of the Consultation Paper were as follows: (96) Government and non-government institutions that receive, or expect to receive, civil claims for institutional child sexual abuse should adopt guidelines for responding to claims for compensation concerning allegations of child sexual abuse; (97) The guidelines should be designed to minimise potential re-traumatisation of claimants and to avoid unnecessarily adversarial responses to claims; (98) The guidelines should include an obligation on the institution to provide assistance to claimants and their legal representatives in identifying the proper defendant to a claim if the proper defendant is not identified or is incorrectly identified; (99) Government and non-government institutions should publish the guidelines they adopt or otherwise make them available to claimants and their legal representatives.

² BCSANT Constitution, section 4.

2. Application

BCSANT will apply these Principles to civil claims for compensation or common law damages concerning allegations of institutional child sexual abuse, to which BCSANT (or any entities it controls) is a Respondent. In doing so, BCSANT will instruct lawyers and other professionals engaged by BCSANT in relation to institutional child sexual abuse claims to be familiar with and act in accordance with these Principles.

These Principles will not apply to claimants whose claims have been judicially determined or settled prior to the date of adoption of this Guideline.

Whilst these Principles are not binding on individual member churches (nor are they binding on their insurers or insurance brokers), BCSANT will encourage member churches and affiliated ministries to adopt these Principles when they participate in civil litigation matters concerning allegations of institutional child sexual abuse.

Nothing in these Principles seeks to prevent BCSANT from responding to litigious matters to protect its proper and legitimate interests, or taking legitimate steps to defend such claims, particularly where it is apparent that such claim is vexatious, unmeritorious, or an abuse of process.

3. Model Litigant Principles

BCSANT will seek to conduct itself as a model litigant in the conduct of responding to allegations of institutional child sexual abuse and aim at all times to minimise potential further trauma to survivors. In doing so, BCSANT (and lawyers or other professionals instructed or engaged) will:

- 3.1. Adhere to BCSANT's beliefs and values;
- 3.2. Act fairly, honestly, consistently, and with appropriate professional standards in handling claims and litigation brought against BCSANT;
- 3.3. Be mindful and considerate that the litigation process for claims of institutional child sexual abuse can be a confronting and traumatic experience for a survivor of sexual abuse;
- 3.4. Make these Principles available to claimants and their legal representatives, and to lawyers and other professionals instructed or engaged by BCSANT;
- 3.5. Provide assistance to claimants and their legal representatives to identify the proper defendant to a claim if the proper defendant is not identified or is incorrectly identified in material received by BCSANT from a claimant or their representative;
- 3.6. Deal with legitimate claims promptly, resolve legitimate claims as quickly as possible, and not cause unnecessary delay;
- 3.7. Provide early acknowledgement of claims, including information about initial steps towards resolving the claim and information about services and supports available to claimants;
- 3.8. Facilitate an early settlement where it is appropriate in the circumstances to do so, which may include:
 - Considering resolving matters without a formal Statement of Claim;
 - Participating in appropriate alternative dispute resolution process or settlement negotiations;
 - Paying legitimate claims promptly and without delay or the threat of litigation.

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- 3.9. Provide a written apology from the relevant BCSANT institution to the claimant where it is appropriate in the circumstances to do so, including in all cases in which BCSANT may have acted improperly;
 - 3.10. Consider any requests from survivors for alternative forms of acknowledgement or redress;
 - 3.11. Communicate sensitively with claimants (or their legal representatives) during the progress of their claim;
 - 3.12. Where litigation is considered necessary or appropriate, take all reasonable steps to keep legal and other costs to a minimum;
 - 3.13. Not take advantage of a claimant who lacks the resources to litigate a claim and encourage claimants who are not legally represented to obtain such representation;
 - 3.14. Not require that any settlement be confidential, except as to the quantum of any monetary amounts paid to the claimant; but consider any request by the claimant that a further confidentiality clause be used in relation to a settlement. In the event that a further confidentiality clause is used, it will not restrict the claimant from discussing the circumstances of their claim and their experience of the claims process;
 - 3.15. Facilitate appropriate training for BCSANT people who are involved in civil child sexual abuse claims, and encourage lawyers instructed by BCSANT to undergo such training. This training may address, for example, the effects of child sexual assault and the use of a trauma-informed framework when working on claims involving adult survivors of child sexual assault.
 - 3.16. Facilitate access to counselling for claimants and for those involved in responding to child sexual abuse claims where appropriate;
 - 3.17. Report claims of any serious indictable offence to the relevant State or Territory Police Force (if not already reported) and comply with all other relevant legislative reporting obligations.

4. Feedback and Review

The Assembly Board of BCSANT welcomes any feedback and suggestions from claimants and their legal representatives in relation to these Principles. Feedback can be provided to:

The President, Baptist Churches SA & NT
PO Box 432, Unley SA 5061
president@bcsant.org.au

The Assembly Board of BCSANT will use this feedback to improve its responses to claimants and to review these Principles to reflect the insights gained during their implementation.