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AUSTRALIA.

Gibson McM. Owen

April 6, 2004

The Secretary,

Senate Community Affairs Reference Committee,
Parliament House,

Canberra ACT 2600

Dear Sir,

I make by this letter a submission to your Committee on Treatment of Children in Care.

My submission is that a not-for-profit Legal Centre should be established to represent abused children who although barred by State statute should be entitled to bring or threaten actions against their perpetrators. The action could be criminal or civil and should be against the perpetrator whether that is an institution, parent or de-facto parent, family member, governments and their institutions etc..

Such a Centre could be run along the lines of the existing Legal Centres run in a business like fashion, seeking to be self supporting but acting without regard to profit from any one case but on the basis that but for the States Limitation Acts the child has a good and provable compensable damages and case.

The bases for making this submission are as follows:

1. I am a Sydney solicitor and have run my own practice for 30 years as a principal or partner.
2. My practice included acting for AA pro bono for the last 13 years. I have had considerable experience in tort law and occasionally in obtaining leave to proceed notwithstanding the Limitation Act.
3. I have been engaged by the Law Society in investigating defaulting solicitors and in acting for defaulting solicitors when being prosecuted.
4. I have made successful claims against a church for sexual and physical abuse of children and continue to do so.
5. I was placed in an orphanage whilst under 3 years of age with devastating results for my interpersonal relationships. I do not have any complaint against this orphanage but find value for the purposes of this submission in wanting to assist those who have been so abandoned.
6. The experiences from the orphanage and the basis for my membership of AA allow me to understand and appreciate the dysfunctional nature of abused and abandoned children's emotions particularly as adults.
7. A practitioner without these experiences may successfully act for such children but would not feel for the needs and attitudes of such children/adults.
8. I propose that I would be one of the principals of such Centre as I am free of my recently deposed of practice and could devote myself full time to setting up and developing such a Centre.
9. I am a father of three children who are in their 20s and who love their father and seek his company on a weekly basis.
10. I was raised as a Christian but have no allegiances to any church at this time and see that the Christian Churches deliver most of the caring services to youth on the streets and services for rehabilitation in Australia without which the country would be in a sad state.
11. I am a 5th generation Australian who sees the health and particularly the emotional health of our




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youth as the primary issue for a stable society, effective churches and foster-care institutions and caring government institutions.

12. This submission assumes that no legal centre presently exists which is singularly devoted to this cause.
13. There are not-for-profit Legal Centres but probably not devoted to the interests of abused children/adults which is what is required.
14. I intend that such a Legal Centre be associated with institutions such as Care Leavers of Australia for the purposes of publicising such a Legal Centre

Yours truly



Gibson Owen