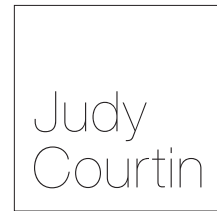


Friends and family of survivors



Legal

Secondary victims

Friends and family of survivors can often be badly impacted by the abuse. They can experience a range of emotions, including anger, guilt, shame, and confusion, much like a primary victim.

The law considers these people 'secondary victims', that is, they have also suffered trauma after finding out about a loved one's abuse.

You may have witnessed a loved one struggling with the memories of the abuse and health issues, and that potentially may have had a negative effect on your own health and work life.

The Law

In some cases, friends and family members may also develop psychiatric problems such as PTSD and depression, which in turn impacts their capacity to work normally. This may mean there will be what is called an 'economic' loss for that person. Secondary victims may also develop an addiction such as alcohol dependence. This is often a result of seeing their loved one suffer from the horrific and unrelenting effects of the child abuse.

This can be a deeply challenging and isolating experience.

In some cases, the "secondary victim" may be able to make a claim in the courts against the institution responsible for the harm to the primary victim.

This is a relatively new area of the law and claims of this nature are still in their infancy.

Such claimants will need to prove that there is a direct link between their psychiatric harm, such as PTSD, and the abuse to the "primary victim".

This means that the "secondary victim" may need to be assessed by a specialist psychiatrist, and their potential economic loss will need to be assessed by a forensic accountant.

The Court will have to draw a link between the effect of the abuse on the secondary victim, and consequent harm such as PTSD or depression or economic loss, for a claim to be successful.

Judy Courtin Legal is representing many secondary victims in claims against the offending institution.

If you think you might have a claim, please get in touch to discuss your options.

Indemnity Clauses and how they may impact a secondary victim's claim

When a primary victim settles a claim for compensation, they must sign what is called a Deed of Release – basically, this is an agreement that they won't sue the institution again.

A critical part of these Deeds has the primary victim agreeing to indemnify the offending institution against any successful 'third-party' claims that may arise and are based on the claim of the primary victim.

A secondary victim's claim would be considered a 'third-party' claim, and if successful, the impact of such indemnity clauses would be that the primary victim would be legally obliged to indemnify the institution. That is, the primary victim would have to pay the institution the amount of compensation the secondary victim was awarded in their claim.

At JCL we are concerned that the law allows for these indemnity clauses to exist. We know for a fact that many secondary victims will be concerned about starting a claim if it means that their loved one, the primary victim, will be financially impacted.

Our team has been active in approaching the media and government to shed light on this practice that is designed to limit the responsibility of wealthy and powerful institutions. So many of our brave clients have added their voices to this concerning issue, and forthcoming test cases in this area of the law will also provide much needed clarity.

[Read Dr Judy Courtin's op-ed here.](#)

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Self care for survivors and secondary victims

Who do you call if you need medical assistance, either for the primary survivor, or for yourself as a secondary victim?

If you or someone you know is a secondary victim of abuse, it is important to seek help. There are many organizations that provide support for secondary victims of abuse. These organizations can provide information, resources, and support to help you cope with your emotions and to prevent further harm.

Urgent assistance

Should there be a need for urgent assistance, you may call your nearest hospital emergency department, dial 000, or consult the **Suicide Call Back Service**, a free Australia-wide service for people affected by suicide (1300 659 467) (24 hours, every day)

Online and video chat is also available via their website.

Suicide Line Victoria also provides free counselling and support for people in Victoria.

1300 651 251 (24 hours, every day)

Online and video chat is also available via their website.

Further services which primary and secondary victims may access

- > **Blue Knot – 1300 657 380** – offers professional phone counselling for adult survivors of child abuse.
- > **Beyond Blue – 1300 224 636** – offers general mental health support resources for you and your loved one.
- > **Bravehearts – 1800 272 831** – can provide counselling, case management, support and information for survivors.
- > **Care Leavers Australia Network – 1800 008 774** – can provide counselling, support and advocacy.
- > **Tandem Support and Referral Line** can provide information, support, advocacy or referral for family members or friends who are supporting a person with mental health issues – **1800 314 325** – 9am to 5pm weekdays
- > **Mental Health Foundation Australia**
National Mental Health Helpline offers emotional and practical support to families, carers and individuals with mental health issues. The response team does not provide counselling but can arrange a call back from a trained psychologist or counsellor – **1300 643 287**.