

Catholic Diocese Held Vicariously Liable for Historical Abuse In Legal First

Koffels Solicitors and Barristers have succeeded in obtaining damages for a dying plaintiff in the first NSW judgment ever to find a Diocese directly and vicariously liable for historical abuses by a Catholic priest.



Sydney, New South Wales Oct 3, 2024 ([IssueWire.com](https://www.issuewire.com)) - In a significant legal development, the [Catholic Diocese of Maitland-Newcastle](#) has been held liable for the actions of **Father Ron Pickin**, who died in 2015 and had been a priest appointed to the Diocese. This case could have far-reaching implications for survivors of historical abuse within religious institutions as it extends the existing relationships normally, giving rise to a form of strict liability called vicarious liability.

At [Koffels Solicitors and Barristers](#), we have acted for a vast number of survivors of Catholic institutions. Unfortunately, the Diocese of Maitland-Newcastle is a notorious Diocese for rates of paedophilia.

A [recent ABC article on the judgment](#) highlights that the court found the Diocese responsible for the actions of a priest for serious paedophilia. This judgment reinforces the ability to hold institutions accountable for the abuse of children, even if the abuse occurred decades ago.

Managing Counsel at Koffels, **Aaron Koffel**, remarked on the significance of this landmark child abuse ruling, stating:

*"AA is a landmark case in New South Wales, as the first judgment where the courts have found a Diocese both negligent and vicariously liable for abuse committed by a Catholic priest. A key outcome of the Diocese of Maitland-Newcastle being vicariously liable in this matter is that damages are not capped by the **Civil Liability Act** but are instead determined under common law. This significantly increases the total damages in historical cases like AA's as they must pay interest on general damages (for pain and suffering) at a rate of 2% per annum.*

For AA, it has been 55 years since the abuse occurred and finally, to be believed and the Diocese held responsible. The interest component over such a long period amounts to a substantial sum. AA was awarded \$260,000 for general damages which, together with interest, totals \$564,000."

Aaron Koffel further added:

*"The broader issue of whether a Diocese can be held vicariously liable for the criminal actions of a priest is still unsettled law. The High Court's upcoming judgment in **Bird v DP**, a Victorian case in which the Diocese of Ballarat is appealing a similar decision, will be key in shaping future rulings. We are waiting to see if the Diocese of Maitland and Newcastle will appeal this decision. This ruling creates the possibility for more successful claims, as Dioceses could now be required to pay survivors of historical abuse damages in circumstances where prior knowledge of the risk posed by certain priests cannot be established. It is likely that Dioceses and their insurers will need to adjust their reserves upward."*

Implications for Survivors

This ruling highlights the potential for survivors of historical institutional child abuse perpetrated by a priest to seek greater compensation in cases where Diocese are held vicariously liable for the criminal actions of priests. The judgment signifies that survivors may receive **uncapped damages**, significantly increasing their compensation amounts, particularly where a lengthy period has elapsed since the abuse occurred.

Media Contact

Koffels Solicitors and Barristers

matthewswan@koffels.com.au

+61292835599

Level 9,263 Clarence St

Source : Koffels Solicitors and Barristers

[See on IssueWire](#)

