

Personal Injury

Thursday 17 August 2023

Session 4 – 1.45pm – 2.45pm

The pendulum of institutional abuse law

This session will examine the increasingly litigious area of institutional abuse law in Australia. Institutional abuse law is a changing landscape with several matters before the High Court in 2023. The impact and uncertainty that this landscape creates is felt by survivors and the lawyers acting for them. The 2017 \$370 million Royal Commission into institutional responses to child sexual abuse resulted in the abolition of the Ellis defence in NSW but has not prevented the threat of permanent stay applications. While the Courts have offered some clarity in the relationship between clergy and abusers and in setting aside previous settlements, issues continue to arise and there is significant jurisdictional variation in the assessment of damages.

Meet the speakers

Maithri Panagoda AM, Partner, Carroll & O’Dea Lawyers

Maithri Panagoda is one of Australia’s leading compensation lawyers. Educated in both Sydney and Sri Lanka, Maithri has over 40 years’ experience in litigation and dispute resolution. He is an Accredited Specialist in Personal Injury Law. Maithri practised as a lawyer in Dubbo for nearly 10 years before joining Carroll & O’Dea Lawyers in 1991. He worked with the Western Aboriginal Legal Service and since joining Carroll & O’Dea Lawyers he has continued his commitment to representing Aboriginal people. He has been involved in many successful claims brought by members of the Stolen Generation. Maithri has also been a member of the Law Society of New South Wales’ Medico Legal Liaison Committee, Senior Solicitors’ Committee and the Litigation Law and Practice Committee.

Alessandra Pettit, Associate, Stacks Goudkamp

Ali Pettit practises exclusively in institutional sexual abuse law, including historic institutional sexual abuse. Ali establishes rapport with clients quickly and helps them navigate what is often a very confronting and daunting legal process. She has a wealth of knowledge, is a fierce advocate and has successfully litigated cases against some of the most powerful institutions in Australia, ensuring her clients receive the best outcome possible. Since being admitted as a solicitor to the Supreme Court of NSW, Ali has brought cases in NSW, Victoria, South Australia, Western Australia, Tasmania, Queensland and the ACT against schools, religious institutions, the Commonwealth and State governments. During her career, she has achieved the highest award of damages for a case of institutional abuse and built lasting relationships with survivors. She has seen the impact that systemic abuse has had on survivors and their families and feels privileged to have the ability to represent them.