Limitation of Actions and Other Legislation (Child Abuse Civil Proceedings) Amendment Bill 2016

Explanatory Notes

Short Title

The short title is the Limitation of Actions and Other Legislation (Child Abuse Civil Proceedings) Amendment Bill 2016.

Policy objectives and the reasons for them

The primary objectives of the Limitation of Actions and Other Legislation (Child Abuse Civil Proceedings) Amendment Bill 2016 are to:

1. Amend the Civil Liability Act 2003 to reintroduce the right to trial by jury for civil actions for personal injury arising from child abuse

2. Amend the Civil Proceedings Act 2011 to:

    - prevent an institution from having civil proceedings stayed on the basis of passage of time where the institution was the cause of the passage of time;

    - prevent an institution from having civil proceedings stayed on the basis of seeking to question facts (either facts of the child abuse or facts of liability) where the institution has already admitted those facts, or an inquiry has made formal findings regarding those facts;

    - limit this provision to a defendant who is an institution;

    - restrict this provision from applying to an institution who has not acted or omitted to cause a delay in the start of the proceeding;

    - expressly exclude the application of this provision where the delay in commencement of proceedings is caused intentionally by the claimant.

3. Amend the Limitation of Actions Act 1974 to:

    - remove civil statutory time limits for personal injury actions arising from child abuse;

- do this with retrospective effect;
- apply this to judgements made based on the application of previous time limits;
- apply this to settlements made based on the application of previous time limits;
- exclude this from actions properly tried on their merits;
- exclude this from actions judged or settled for any reason other than the application of previous time limits;
- exclude this from actions settled within time (and therefore previous time limits were not a factor);
- allow a court when awarding new damages to take into consideration previous settlement or judgement quantums paid.

4. Amend Personal Injuries Proceedings Act 2002 to:

- Remove procedural time limits for personal injury actions arising from child abuse.

5. Amend Personal Injuries Proceedings Regulation 2014 to:

- align administratively with the amendment to the Personal Injuries Proceedings Act 2002.

6. To define child abuse in the above provisions that is not restricted to an institutional context and as including both sexual abuse and serious physical abuse.

The reasons for these policy objectives are:

This Bill proposes amendments to existing legislation necessary to comply with the Recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse* and to reverse long-standing injustices that have been created by the legislation that is proposed to be amended.

When a child is sexually assaulted or violently physically assaulted particularly on a recurring basis and in an institutional context, where the authority figures in the child's life, the institutional hierarchy, are protective of the offenders and punish the child for reporting the abuse, the associated trauma creates significant psychological barriers that prevent that child from reporting the abuse or mounting a legal action until many years into adulthood.

Some of the reason for this delay is the innate psychological process of recovery but much of the reason for this delay is compounded by the secrecy and power of the abusive institution, the denial of the abuse and the delay in offering assistance with recovery. The *Royal Commission*

into Institutional Responses to Child Sexual Abuse has heard harrowing evidence that institutions have substantially worsened the impact of the initial abuse through their conduct of denial, concealment of evidence and protection of known offenders over decades, causing otherwise treatable trauma to become entrenched and causing avoidable longstanding suffering for victims.

In many cases examined by the *Royal Commission into Institutional Responses to Child Sexual Abuse* abusive institutions have created delay to a victim seeking legal redress by concealing evidence, such as documents proving contemporaneous knowledge of widespread abuse. Such documents are now being uncovered by the *Royal Commission into Institutional Responses to Child Sexual Abuse*.

In the State of Queensland, victims of child sexual abuse and serious physical abuse are limited to a right of action to seek redress for their injuries within '3 years past the age of majority' (in other words, by the time the victim has turned 21). After the age of 21, the victim of child abuse is deemed to be statute barred and 'out of time'. The abusive institution therefore evades all legal consequence for their concealment of the criminal sexual and physical assault of children.

Since its inception in 2013 the *Royal Commission into Institutional Responses to Child Sexual Abuse* has conducted 44 Case Studies, 11 formal Issues Papers, 8 formal Research Papers, 5669 Private Sessions, has received 18 598 written submissions, and referred 1619 matters to authorities including police.

Through these processes the *Royal Commission into Institutional Responses to Child Sexual Abuse* has heard extensive evidence on the actions of institutions to conceal crimes and the impact this has had on victims of abuse including extending emotional trauma well into adulthood and obstructing justice by denying a right of access to the court.

In 2015 the *Royal Commission into Institutional Responses to Child Sexual Abuse* handed down its full and final recommendations on this issue, called the Redress and Civil Litigation Report.

On the matter of civil statutory time limits, the Recommendations state:

> **Limitation Periods**
>
> 85. State and territory governments should introduce legislation to remove any limitation period that applies to a claim for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context when the person is or was a child.
>
> 86. State and territory governments should ensure that the limitation period is removed with retrospective effect and regardless of whether or not a claim was subject to a limitation period in the past.
>
> 87. State and territory governments should expressly preserve the relevant courts'

existing jurisdictions and powers so that any jurisdiction or power to stay proceedings is not affected by the removal of the limitation period.

88. State and territory governments should implement these recommendations to remove limitation periods as soon as possible, even if that requires that they be implemented before our recommendations in relation to the duty of institutions and identifying a proper defendant are implemented.

Through its Terms of Reference the *Royal Commission into Institutional Responses to Child Sexual Abuse* is necessarily restricted to only find on matters pertaining to sexual abuse and matters pertaining to abuse perpetrated in the institutional context. The trauma of abuse perpetrated within the family is of equal magnitude as that perpetrated in an institutional context, and so too the rights of access to justice should be equally shared between victims of non-institutional and institutional abuse.

The Parliament is not restricted by the Terms of Reference the *Royal Commission into Institutional Responses to Child Sexual Abuse* and is free to apply the findings more broadly to all victims of child abuse. Community expectation is that all unjust barriers to a right of access to the court be removed, not merely removal of time limits; that the application of justice be applied equally to all victims of abuse. The United Nations Charter on Human Rights as well the Declaration on the Rule of Law reinforce equality of access to justice as a basic human right.

Community expectations have been conveyed by numerous Letters of Endorsement for this Limitation of Actions and Other Legislation (Child Abuse Civil Proceedings) Amendment Bill 2016 including from major Non-Government Organisations in the field of child abuse prevention, intervention and recovery as well as legal bodies, societies and prominent legal firms. These are the experts on the ground who are confronted by the lasting problems and impact of child abuse on a daily basis. These are representatives who have a good understanding of the necessary solutions, and also are in direct contact with survivors of abuse and aware of the needs and wishes of the people for whom this Bill has been prepared.

The key NGOs all agree that in order to be effective any law reform that seeks to create equality of access to justice must include four key reform elements:

1. retrospectively remove civil time limits for actions for personal injury arising from child abuse;
2. create a legal framework for revoking unjust settlements impacted by time limits;
3. provide measures to appropriately limit unjust grounds on which an institution may seek a stay of proceedings (such as when they are the cause of the grounds they seek)
4. reinstitute civil jury trials for civil actions for personal injury arising from child abuse.

The first two reforms are merely complying with Recommendations 85 and 86 of the *Royal Commission into Institutional Responses to Child Sexual Abuse*.

Creating a legal framework to remove past unjust settlements is essential. If this is not done, then the Bill would not be compliant with the *Royal Commission into Institutional Responses to Child Sexual Abuse* which calls for ALL time limits to be removed.

Since past settlements were obtained under the duress of time limits, to fail to remove these deeds and allow the matters to be re-actioned, is to fail to remove the time limits for this group of victims.

It must be remembered that these 'settlements' were never the product of two equal parties negotiating on a level playing field. There was immense asymmetry between claimant (victim) and defendant (institution) and the playing field significantly skewed against the victim (time limits).

These 'settlements' were the product of the unjust time limits – it would be an affront to reason to remove the unjust time limits but not remove the product of those unjust time limits.

To fail to provide a clear and sensible legislative framework that guides the courts on revoking these deeds, would be irresponsible and dangerous – as such an approach would abandon victims, and also it would potentially jeopardise the wider law.

It is against the expectations of the community to place all the burden of risk and cost upon victims to apply to a court, with no legal framework to assist the victim or the court. It is unclear whether the court could even make such a ruling (to revoke these deeds) despite wanting to.

Furthermore, it is beholden on Parliament to provide clear legal framework to the courts to ensure that courts are free to revoke these settlements, and are safe to do so with the wider settlement and deed law safe from unintended precedent. This Bill provides those protections.

The third reform again is essential for the application of justice consistent with community expectations. The harrowing evidence of the *Royal Commission into Institutional Responses to Child Sexual Abuse* reveals a unique criminality to the offending within large institutions for a long period of time. These young children have been prey to the most horrific offending and a form of organised criminality compounded by the willful blindness of many. The children have been abandoned by us all. Until now. Now is the opportunity to make right these wrongs.

We have here the unique scenario where the behaviour of the offending institution has caused a twenty year or longer delay in the victim having a right of action. After decades of denial and concealment of evidence, the *Royal Commission into Institutional Responses to Child Sexual Abuse* is uncovering evidence proving the offences and proving the institution's contemporaneous knowledge of the offending and protection of the offenders. For that institution to now evade consequence for its years of misconduct would run contrary to community expectations of the application of justice. To allow this would be to reward criminals who conceal their crimes. For these cases (institutional offending), where there is doubt in any pre-trial proceeding, the matter should be allowed to proceed to trial for all evidence to be properly tested. Procedural fairness is maintained via the checks and balances of the trial.

Institutional child abuse has been exposed as being a uniquely pervasive and uniquely systemic web of offending that requires a unique legislative solution. This Bill offers that solution.

Safeguards are included. The restrictions on the grounds to stay proceedings are limited only to institutions who have acted to cause a delay in commencement of an action. It does not apply to institutions who have behaved ethically and obeyed all laws (including not concealing crimes). It only applies to defendants who are an institution and does not apply where the defendant is an individual.

Recommendation 87 of the *Royal Commission into Institutional Responses to Child Sexual Abuse* advises to preserve a court's power to stay proceedings so it is not affected by the removal of time limits. The provision in this Bill does not contravene this recommendation as the restrictions being placed on stay of proceedings are not being affected by the removal of time limits themselves. The removal of the time limits in no way impedes the court's power to stay proceedings.

The very specific restrictions on the court's power to stay proceedings in this bill are express provisions to do so, unique and entirely separate from the removal of time limits. These very specific and clearly defined and limited restrictions are not accidental byproducts of removing time limits; they are purposeful and intentional provisions aimed at addressing an unacceptable injustice that occurs in the absence of this provision.

Finally, the fourth reform is to reinstate jury trials for civil actions of personal injury arising from child abuse. The right to trial by jury is well established as a corner stone of our justice system. It is an unassailable feature of the criminal trial process. It is well recognised as bringing the 'common person' into proceedings that otherwise would be dominated by legal professionals and proceduralists. It is recognised as having a balancing and just effect on the administration of justice.

The Queensland Law Reform Commission (QLRC), in a 2011 report into the role and function of juries stated, in relation to the importance of juries in the trial process, *inter alia*:

> *All institutions of government exist to serve the community, and the judicial branch of government, which has no independent force to back up its authority, depends on public acceptance of its role.*
>
> *Public participation in the administration of justice is a part of our legal tradition. Through the jury system, members of the public become part of the court itself. This ought to enhance the acceptability of decisions, and contribute to a culture in which the administration of justice is not left to a professional cadre but is understood as a shared community responsibility.*
>
> *The jury has been described as being at the heart of the Anglo-Australian system of criminal justice and 'fundamental to the freedom that is so essential to our way of life'.*

> *Juries comprised of ordinary, impartial citizens help ensure a fair trial for defendants. Jury trials also provide direct community involvement in the administration of justice.*
>
> *The great strength of the jury system is that it ensures continuing community involvement in the administration of ... justice. The ... justice system exists to serve and protect the community. It is vitally important that the community be intimately involved in, and fully aware of, the administration and implementation of that system.*
>
> *Juries act as a check against the arbitrary or oppressive exercise of authority…*
>
> *That justice should be done coram publico is a good thing for the lawyers as well as for the public. It reminds them that they are not engaged upon a piece of professional ritual but in helping to give the ordinary man the sort of justice he can understand.*

The very Terms of Reference handed to the QLRC by Government, even included the acknowledgement of:

> *The critical role juries have in the justice system in Queensland to ensure a fair trial.*
> [emphasis added]

The High Court of Australia has commented on the role of the jury on many occasions. In *Brown v The Queen*, Deane J referred to the role of juries in ensuring the impartiality of the justice system:

> *That essential conception of trial by jury helps to ensure that, in the interests of the community generally, the administration of ... justice is, and has the appearance of being, unbiased and detached. It fosters the ideal of equality in a democratic community…*
>
> *Regardless of the position or standing of the particular alleged offender, guilt or innocence of a serious offence should be determined by a panel of ordinary and anonymous citizens, assembled as representative of the general community, at whose hands neither the powerful nor the weak should expect or fear special or discriminatory treatment.*

While in that case Deane J was commenting on a criminal trial, the observations about the role of a jury in ensuring a powerful defendant does not receive preferential treatment before the court is of obvious direct relevance to civil actions for child abuse brought against powerful, wealthy public and private institutions who may be *or be seen to be* capable of having undue influence upon proceedings either within or without the court.

Deane J expanded on these observations in *Kingswell v The Queen*:

> *The nature of the jury as a body of ordinary citizens called from the community to try the particular case offers some assurance that the community as a whole will be more likely to accept a jury's verdict than it would be to accept the judgment of a judge or magistrate who might be, or be portrayed as being, over-responsive to authority or remote from the affairs and concerns of ordinary people.*

Deane J continues:

> *The presence and function of a jury in a criminal trial and the well-known tendency of jurors to identify and side with a fellow-citizen who is, in their view, being denied a 'fair go' tend to ensure observance of the consideration and respect to which ordinary notions of fair play entitle an accused or a witness. Few lawyers with practical experience in criminal matters would deny the importance of the institution of the jury to the maintenance of the appearance, as well as the substance, of impartial justice in criminal cases.*

Deane, Dawson, Toohey, Gaudron and McHugh JJ summarised the central importance of the jury system in these terms in *Doney v The Queen*:

> *The genius of the jury system is that it allows for the ordinary experiences of ordinary people to be brought to bear in the determination of factual matters. It is fundamental to that purpose that the jury be allowed to determine, by inference from its collective experience of ordinary affairs, whether and, in the case of conflict, what evidence is truthful.*

In these findings as to the essential role of juries in ensuring a fair trial, no distinction should be made between criminal trials and civil trials. The role of juries contributes equally to both.

Given the evidence of offending that has been heard by the *Royal Commission into Institutional Responses to Child Sexual Abuse* including widespread systemic collusion within prominent institutions to conceal offending and given the tendency for many senior members of the judiciary and legal fraternity to either be the product of these institutions or otherwise be closely favourably associated with these institutions, perhaps the final word on the role of the jury in the trial process should come from the Queensland Law Reform Commission who openly state:

> *The jury system can be seen as exercising a form of guardianship against 'the corrupt or over-zealous prosecutor and against the compliant, biased or eccentric judge'.*

In 2003 claimants in civil trials were deprived access to trial by jury. Given the unique circumstances of child abuse, where personal injuries are not inflicted by accident, but are inflicted by malicious intent and often are not a single isolated incident but are repeated assaults that occur within the context of broader psychological manipulation and abuse at an often critical

age of the child's development – there is a far more sinister tone to the civil negligence for these matters and the trial procedures should reflect this. Prior to 2003 civil actions had the right to jury trial. This Bill returns the right to jury trial for civil actions for personal injury arising from child abuse.

Achievement of policy objectives

The policy objective is the removal of unjust legislation and removal of unjust barriers that prevent victims of child abuse from accessing the court.

This will be achieved via amendment to the relevant legislation, including removal of time limits, provisions to allow for past settlements to be re-visited, appropriate and restricted amendments to stay of proceedings provisions, to ensure these do not become unjust barriers in themselves, and reinstating jury trials.

Amendment to legislation is reasonable and appropriate to be achieved via amendment to legislation. There is no other way to amend unjust legislation than with the amendment to that legislation. There is no government policy or scheme that can be instituted that could achieve the outcomes of justice and fairness without amending the legislation as proposed.

If lesser legislation is proposed, such as to only retrospectively remove statutory civil time limits, such lesser legislation would be inadequate and would fail to meet the intent and recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse* as well as fail to meet community expectations for reform in this area of law. As the key NGOs have clearly expressed, all four domains of reform must be enacted for the total reform to have any meaningful impact.

The provisions are measured and considered and do not overreach.

Consideration has been given to so called 'unintended consequences' in so far as this is ever possible, and safeguards are built in to the reforms.

The greatest safe guard for the wider law is that these provisions are only impacting cases brought in relation to child abuse, a very narrow and specific range of personal injury matters. It does not apply to other personal injury claims. It does not apply to any other area of law including litigation or deeds.

Another safeguard is that the re-actioning of past settlements has been specifically restricted to cases which are unjust on the basis of time limits. Cases which have been heard on their merits or cases that have been heard within time are not able to be re-visited.

Appropriate consideration is given to past settlements in that a future fairer settlement is to be reduced by the amount of any previous settlement already paid.

The greatest safeguard is that the rules of evidence are not changed. The reforms arising from this Bill only go towards providing a citizen the basic right of access to the court and they must still prove their case. The reforms do not diminish the responsibility upon claimants to prove their claims to the civil standard of proof.

A final safeguard on quantums of damages is that the Schedules of the *Civil Liabilities Act 2003* have not been altered. The caps on damages in these Schedules remain in effect.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives other than through amendment to existing legislation.

Placing the burden onto victims to apply to a court to revoke a deed in the absence of a legal framework to facilitate this is not a reasonable alternative to properly amending legislation.

Reliance on a National Redress Scheme is similarly unacceptable – such a scheme may never eventuate, noting that currently the Federal Government has openly declined to establish or to participate in a National Redress Scheme. The Queensland Government has not indicated whether it will or will not commence any form of state-based redress scheme nor any time frame by which the Government may initiate a state-based scheme in the ongoing absence of a National Redress Scheme.

Victims of abuse deserve greater certainty than this. The *Royal Commission into Institutional Responses to Child Sexual Abuse* recommends to act immediately and without delay in removing barriers to justice. This reflects that the suffering and burden of victims is immediate, is now, and has been ongoing since the abuse. It is inappropriate to further burden victims with more unnecessary delay in resolving these issues.

Furthermore even if the National Redress Scheme were to become an immediate reality redress naturally is limited and does not afford all victims the full rights of litigation. It is not appropriate for Government – who has been the abusing and offending institution for many victims – to now be the decision maker as to a victim's best interest.

Victims deserve autonomy and to have equal rights of self determination as to whether they prefer to participate in a redress scheme or litigation.

The only mechanism for providing this is appropriate legislation reform, such as that offered by this Bill.

Estimated cost for government implementation

Detailed assessment pending. There may be some cost to State institutions who will carry liability under the amendments. Not all cost will be borne by the State as much will be carried by other non-State institutions.

The moral imperative of this law reform justifies the cost, in accordance with the *Recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse*, as well as expressed community sentiment and expectations. It is expected that the cost will be greatest in the short term, diminishing predictably over time. The cost is not expected to be excessive or burdensome to government, based on modelling and international experience. The cost is proper and just.

The cost is an investment in the resolution of wrong-doing and in the establishment of a fair and just future. The potential cost created by these amendments is the essence of deterrent against future institutional systemic child abuse.

Future cost for government and non-government institutions can be avoided by the implementation of effective child protection strategies and compliance with mandatory reporting legislation.

The provisions in this bill will potentially preserve the insurance policies of institutions – which the failure to legislate will not.

The provisions in this bill should not result in unending rise in insurance premiums – as this bill is addressing an historical problem of the past few decades. Thanks to this bill and other child protection reforms the behaviour of institutions is likely to be forever changed for the better, such that institutions now become the child safe institutions that they should always have been, ensuring that institutions will not be exposed to the same financial risk into the future.

It must be remembered that the financial risk of litigation for child abuse that institutions face is purely a product of the inhuman, criminal and negligent conduct of the institution in the first place.

The solution to removing this financial risk is not to impose unjust barriers on victims to prevent them obtaining justice – the solution to reducing an institution's financial risk is for that institution to stop protecting paedophiles, stop covering up crimes against children, institute child protection measures. When the offending against children ceases and the cover-up of offenders ceases then the financial liability will cease.

Consistency with fundamental legal principles

The Bill potentially departs from fundamental legislative principles (FLPs) as outlined in section 4 of the *Legislative Standards Act 1992*. Any such departures occur in the context of balancing

FLPs with a competing community expectation that members of the community should be protected from serious criminal activity and that vulnerable children should be protected from intentional harm from those placed in positions of trust, and from the compounding criminality and civil negligence of systemic institutional corruption of the worst order.

This very same argument was accepted by the Parliament in relation to the *Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Bill 2012*.

Following from this, this Bill forms an important pillar in recent strategy of child protection reforms including: employment screening, criminal history checking, mandatory reporting, and sentencing provisions. Like sentencing provisions under criminal law, the ability for a victim to sue an offending or negligent institution creates consequence for the institution and has a deterrent effect. It is no coincidence that the past decades of systemic institutional corruption has occurred in the context of the time limits defence, essentially shielding the institution from any consequences for wrong doing.

Leaders within institutions knew they were free to continue to permit offences against children as they were safe from civil litigation. Remember an institution can only be financially liable if they have done the wrong thing. Institutions who have acted ethically and lawfully have nothing to fear.

From legislation giving victims the right to sue, institutions immediately have a consequence which has an important deterrent effect – it will be cheaper to invest in child protection and abuse prevention than to 'pay off' unjust settlements to victims who are out of time.

Thus the community's right to protection from this serious offending makes the minor inconsistency with FLPs acceptable.

Any concerns regarding the FLPs should be considered in the context of SECT678B Criminal Code – Retry for murder despite an aquittal – this legislation significantly deviates from section 4 of the *Legislative Standards Act 1992*, to retry a person already cleared on acquittal, but was found by Parliament to be an appropriate deviation from FLP considering the issues being addressed (serious criminal offending) and the community expectations as to the application of justice.

Furthermore, issues of compulsory instruction of the judiciary have been previously accepted as reasonable by Parliament such as with SECT320(2) Criminal Code which directs the court as to sentencing (mandatory sentencing). Therefore the provisions in this Bill which direct the court are entirely within precedent and are far less severe steps than the precedent. The outcome of restricting the court in granting a stay of proceedings is merely that a matter will proceed to trial and evidence will be properly tested in court.

Importantly, the provisions addressing stays of proceedings are properly limited such that they only apply in the intended limited circumstances, namely an institution that has been proven (such as by admission or by finding of an inquiry) to have acted criminally or negligently in a manner which has demonstrably unfairly deprived the victim of a right of action.

Wide public consultation including key stakeholder survivor groups and legal bodies agreed that these provisions were fair and reasonable given the unique injustice that they seek to rectify.

This provision does not create an injustice, it removes an existing injustice and does so under very narrow and appropriate circumstances.

Finally, the provisions which formalise that an admission made by the institution is to be accepted by the court as an admission are unremarkable and uncontroversial provisions. These provisions merely codify the determination most likely to be made by the court in the absence of these provisions anyway, but wide legal opinion is that it would assist the court, and contribute to the predictability and certainty of justice to provide this uncontroversial guidance to the court.

Consultation

The policy objectives in this bill are based on:

The *Royal Commission into Institutional Responses to Child Sexual Abuse* (4 years of evidence)

2015 Redress and Civil Litigation Report (18 months of evidence)

Knowmore the official legal advisory service to the *Royal Commission into Institutional Responses to Child Sexual Abuse*.

Community groups, survivor NGOs, legal bodies and prominent QLD law firms (decades experience across this topic).

Notes on provisions

Part 1 Short title

Part 2 Amendment of Civil Liability Act 2003, Section 73

To reinstate jury trial for civil action for personal injury from child abuse
Definition of child abuse

Part 3 Amendment of Civil Proceedings Act 2011

Amend stay of proceedings on basis of passage of time where institution is the cause of the passage of time
Amend stay of proceedings on basis of inability to question a fact where institution has otherwise previously admitted that fact or an inquiry has ruled on that fact

Part 4 Amendment of Limitation of Actions Act 1974

Retrospectively remove civil statutory time limits for civil action for personal injury from child abuse, both judgements and settlements, where time limits were a factor

Part 5 Amendment of Personal Injuries Proceedings Act 2002

Administrative consistency with removal of time limits

Part 6 Amendment of Personal Injuries Proceedings Regulation 2014

Administrative consistency with removal of time limits

Consistency with legislation and other jurisdictions

This bill complies with the specific recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse* and extends the provisions of fair and just laws for victims of sexual institutional abuse to non-sexual and non-institutional abuse.

It forms part of a national framework of legislation in all States and Territories in response to the recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse*.

In some provisions – where it applies to non-sexual and non-institutional and where the bill addresses Queensland specific problems such as reinstating juries for trials – this legislation remains fair and balanced and reasonably prevents unintended consequences.

Where this Bill goes beyond its counterpart legislation in other States and Territories this does not occur in such a way as to undermine the operation of either this or their legislation.

This Bill is an opportunity for Queensland to be a Nation Leader on the important reforms for child protection and equity of access to justice for victims of abuse.