



Submission to the

Legal Affairs and Community Safety Committee

*Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Bill 2016*

14 September 2016

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## Part One: INTRODUCTION

On 16 August 2016, the Premier and Minister for Arts, the Hon Anastacia Palaszczuk MP introduced the *Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Bill 2016* into the Queensland Parliament. The objectives include creating a more accessible civil litigation system for survivors of child sexual abuse where that abuse has occurred in an institutional context, and enhancing access to justice and promoting efficiency, transparency and consistency in the administration of justice where a number of people have suffered loss, injury or damage as a result of a multiple wrong.

The bill was referred to the Legal Affairs and Community Safety Committee for detailed consideration.

PeakCare welcomes the opportunity to make a submission in response to the Committee's invitation for submissions on the bill.

## Part Two: ABOUT PEAKCARE AND THIS SUBMISSION

PeakCare Qld Inc. (PeakCare) is a peak body for child and family services in Queensland. Across Queensland, PeakCare has 62 members. These organisations are a mix of small, medium and large, local and statewide, mainstream and Aboriginal and Torres Strait Islander non-government organisations that provide prevention and early intervention, and generic and intensive family support to children, young people, adults and families. Members also provide child protection and out-of-home care services (e.g. foster and kinship care, residential care) to children and young people who are at risk of entry to or who are in the statutory child protection system and their families. In addition, PeakCare's membership includes a network of around 20 individual members and other entities supportive of PeakCare's policy platform about the safety, wellbeing and connection of children and young people, and the support of their families.

PeakCare has made numerous submissions to governments and various inquiries about the adverse, long-lasting impacts for adults who as children experienced abuse and neglect in out-of-home care facilities and other settings. Our submissions have advocated for the prevention of child abuse and neglect by parents or by others entrusted to care for children and young people when they have been removed from their parents' care (eg. when living with foster and kinship carers or in residential care and other institutional settings). We have also supported access to specialist, practical, therapeutic and other supports by Forgotten Australians, Former Child Migrants and the Stolen Generations who as children did not consistently receive the quality of care to which they were entitled. As the Premier's explanatory speech for this bill asserts, dealing with the impacts of institutional child sexual abuse may mean that children and adults take a long time to make sense of, disclose, and / or pursue justice in respect of what happened to them.



PeakCare  
Queensland Inc.

This submission to the Legal Affairs and Community Safety Committee about the *Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Bill 2016* is an opportunity to support redressing some key barriers to justice for adults who were subject to child sexual abuse in an institutional setting.

The submission now turns to commenting on details contained in the bill.

### Part Three:

## FEEDBACK IN RESPONSE TO THE LIMITATION OF ACTIONS (INSTITUTIONAL CHILD SEXUAL ABUSE) AND OTHER LEGISLATION AMENDMENT BILL 2016

PeakCare supports the proposals about improved responses to institutional child sexual abuse. The Queensland Government's prompt action, consistent with the recommendation from the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission), to remove the statutory limitation period for institutional child sexual abuse is commended.

### 1. Abolition of the limitation periods for institutional child sexual abuse

PeakCare strongly supports abolishing the limitation period for institutional child sexual abuse, as proposed in the *Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Bill 2016*. This particular component of the proposed changes is long overdue and is well supported by the Royal Commission's experience that despite numerous State and Commonwealth public inquiries into the circumstances and experiences of the Stolen Generations, Forgotten Australians and Former Child Migrants, adults who as children were subject to institutional abuse are still only now coming forward with their stories, both privately and publicly. The current statutory limitation period of three years is inadequate and out of step with responding to the legacies and realities of the abuse endured.

### 2. Introduction of 'class actions'

PeakCare supports the changes proposed in the *Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Bill 2016* to introduce a statutory regime to facilitate the effective conduct and management of representative proceedings, known as 'class actions', in the Queensland Supreme Court, and supportive changes to the administration of solicitors' trust accounts. PeakCare notes the Premier's comment in her explanatory speech where she explains the importance of making practical changes to provide for a representative action regime. PeakCare agrees that access to justice and efficiency in the administration of justice will be provided by a clear and comprehensive set of procedures for the conduct and management of class actions.



## Part Four: CONCLUSION

As indicated above, PeakCare supports the changes proposed in the *Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Bill 2016* to abolish the limitation period for institutional child sexual abuse and to introduce a statutory regime to facilitate the effective conduct and management of representative proceedings.

PeakCare notes the Premier's commitment to public consultation about removing the statutory limitation period in respect to child abuse that is not of a sexual nature and not in an institutional context, and looks forward to participating in the consultations which the Premier asserts will provide a full understanding about what a broader scope would mean in Queensland.

PeakCare appreciates the opportunity to make this submission.



PeakCare  
Queensland Inc.