

21 November 2018

Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE Q 4000

Email: lacsc@parliament.qld.gov.au

Dear Sir/Madam

Re: Civil Liability (Institutional Child Abuse) Amendment Bill 2018

We refer to the email dated 2 November 2018 seeking Submissions on the above Bill by 30 November 2018. We commend the Queensland Government on their commitment to enacting legislation to address the recommendations of the Royal Commission into Institutional Responses to Child Sexual Assault.

Protect All Children Today Inc. (PACT) is a non-profit community organisation established in 1986 as a service provider of court support as well as advocating for vulnerable children, young people and their families. PACT's Child Witness Support Program provides support for children and young people who are required to give evidence in criminal court matters, either as victims of, or witnesses to, a crime. PACT recruits Child Witness Support Volunteers to provide child victims and witnesses with support and information about the Criminal Justice System. Since its establishment in 1985, PACT has supported almost **23,000** child victims and witness.

PACT's purpose is ***"To enhance child protection by reducing the trauma experienced by all children and young people (3-17 years) required to give evidence within the Queensland Criminal Justice System victims or witnesses."***

Case Statistics for 2017-2018

- 1,848 children (3-17 years) were supported, which represents a 5% increase from the previous year.
- Average age of children supported was 13 years.
- 62% of children referred were female.
- **57% of cases supported were of a sexual nature (1,053)**
- 27% of cases supported were a result of assault, including domestic violence.
- 27% of PACT clients were culturally diverse with 15% ATSI representation.

PACT is supportive of any legislative reforms that better protect vulnerable children and young people who have been victims or witnesses of crime. It is through our long-term experience, that we offer the following comments:

Policy Objectives

We appreciate the object of the Bill is to implement Recommendations 89-94 of the 2015 Redress and *Civil Litigation Report* of the Royal Commission into Instructional Responses to Child Sexual Assault.

We understand that the National Redress Scheme should not commence until after the Parliament legislates the reforms relating to time limits and the duty of institutions. We appreciate this Bill needs to be enacted as soon as possible prior to the commencement of the above-mentioned Scheme in order to remove barriers and to ensure survivors of child abuse are not denied any potential avenues for redress.

Amendment of Civil Liability Act 2003***Clause 3 – 49C Definition***

PACT is extremely supportive of the amendments to the **definition of child abuse** to include serious physical abuse as well as offenses of a sexual nature. We appreciate this is consistent with the National Apology delivered on 22 October 2018 where the Federal Parliament unanimously acknowledged all forms of child abuse.

Clause 3 – 49D Duty of care of institutions

PACT agree that an institution must ensure that a relevant child does not suffer child abuse perpetrated by an official of the institution and takes all reasonable precautions, and exercises due diligence, to prevent the relevant child from suffering child abuse. We further agree that the institution must nominate an appropriate entity as the defendant for current and future claims, for breaches to the duty of care.

Amendment of Limitation of Actions Act 1974***Clause 6 – Amendment of s 11A***

PACT agrees with the wording amendment which states ‘the sexual abuse of the person when the person was a child’.

Again, PACT is extremely supportive of the amendments to the **definition of child abuse** in section 11A so that the statutory exemption from limitation of action applies to child abuse more broadly.

Amendment of Personal Injuries Proceedings Act 2002

PACT is supportive of the insertion of the definition of child abuse in Section 9(10) so that the statutory exemption from time limits around commencement of personal injuries claims applies to child abuse more broadly as defined.

Consistency with fundamental legislative principles

PACT acknowledge the Bill is consistent with the fundamental legislative principles.

Consistency with legislation of other jurisdictions

PACT acknowledges that the Bill forms part of a national framework or legislation in all States and Territories implementing the recommendations of the Royal Commission.

Closing

We would like to take this opportunity to say that we believe if the **Charter of Victim’s Rights** were adequately enforced and embedded into the Policies and Procedures of all key stakeholders, many of the communication challenges faced by victims and their families would be addressed.


PACT is very grateful to be consulted about this important issue. Should your staff require clarification or further information on any of the issues raised, please do not hesitate to contact Mrs Jo Bryant, PACT’s Chief Executive Officer on telephone [REDACTED] or email [REDACTED].

Thank you for the opportunity to provide comment on this important legislative review. We trust our input has been of value.

Yours sincerely



Alexandra Marks
Chairperson



Jo Bryant
Chief Executive Officer