

**Queensland Child Sexual Abuse Legislative Reform Council****Written submission by Kelvin Johnston****QCSALRC spokesperson.****Thank you for the opportunity to support the Civil Liability (Institutional Child Abuse) Amendment Bill 2018.****Queensland Government “Issues” paper has not been released.**

I have tried for several years to obtain this report without success and draw your attention to the fact that the Berkman Bill has undertaken the governments role in achieving the outcomes consistent with the “Issues” paper through enacting appropriate policy objectives found in the “Issues” paper and the Member for Maiwar is to be commended for the actions taken.

The Queensland Government commissioned the “Issues” paper in August 2016, which was finalised last year. I ask that the LACS Parliamentary Committee obtain the final version of the report and use it in their considerations.

Associated trusts funds that are civilly liable: justice needs to be applied equally to both incorporated and unincorporated organisations.

The government bill does not deal with this issue. It appears that the rush of other states to copy the law in Victoria has led to this oversight. The Berkman Bill has dealt with this issue and the Member for Miawar has satisfactorily achieved clear legislation about incorporated and unincorporated institutions. Queensland’s large institutions need to be treated equally with trust arrangements.

The question for Queensland Parliamentarians is “Should Parliament give rights to all forms of abuse?” and the answer is yes.

The following states and territories have removed time limits for all forms of abuse including sexual physical or serious physical and connected psychological or other abuse:

- NSW
- Victoria
- Tasmania
- South Australia
- Northern Territory

Only WA and ACT remove time limits for sexual abuse only.

WA only does this because they copied the Queensland legislation from 2016 which included the deficiency of only applying to sexual abuse. Had the Queensland legislation at that time had the superior definition presumably so too would WA now.

ACT only removes time limits for sexual abuse but they have seen fit to apply their liability of associated trusts legislation to sexual abuse **and** physical abuse.

As a final point I would like to say that all laws regarding to child sexual, physical, emotional and psychological abuse should be made retrospective, so all victims and survivors can be treated equally at law.

Thank you and I am available to appear in front of committee for public submissions.

Yours Sincerely

Kelvin Johnston.

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29 November 2018

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