




Speech By
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MEMBER FOR MOGGILL

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**LIMITATIONS OF ACTIONS (INSTITUTIONAL CHILD SEXUAL ABUSE) AND
OTHER LEGISLATION AMENDMENT BILL; LIMITATION OF ACTIONS AND
OTHER LEGISLATION (CHILD ABUSE CIVIL PROCEEDINGS) AMENDMENT
BILL**

 **Dr ROWAN** (Moggill—LNP) (4.55 pm): I rise to contribute to the debate on the Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Bill 2016 introduced by the Palaszczuk Labor government and also the debate on the Limitation of Actions and Other Legislation (Child Abuse Civil Proceedings) Amendment Bill 2016 introduced by the member for Cairns, Mr Rob Pyne MP. Both of these bills remove statutory limitation periods for child sexual abuse that has occurred in institutions. At this point it is important to note the differences between the policy objectives of the government's bill and the bill of the member for Cairns. Since we are dealing with both the government's bill and the bill of the member for Cairns together it is important that we diligently undertake this task.

The government bill looks at achieving its policy objectives by amending the Limitation of Actions Act 1974, the Civil Proceedings Act 2011, the Legal Profession Act 2007 and the Queensland Civil and Administrative Tribunal Act 2009. The objectives of the private member's bill are to reintroduce the right to trial by jury for civil actions for personal injury arising from child abuse, to remove civil statutory time limits and procedural time limits for personal injury actions arising from child abuse and to make a number of amendments regarding stay of proceedings.

The Commission into Institutional Responses to Child Sexual Abuse was a royal commission established in 2013 by the Australian government pursuant to the Royal Commission Act 1902 to inquire into and report upon responses by institutions to instances and allegations of child sexual abuse in Australia. The royal commission reported that because of the nature and impact of the abuse they suffered, many victims of child sexual abuse have not had the opportunity to seek compensation for their injuries. The royal commission further reported that there needed to be clear avenues provided for survivors to obtain effective redress for past abuse and in their own time. Redress is needed because many people, while only children, were injured by being subjected to child sexual abuse in institutions or in connection with such institutions. Sadly, in some cases survivor injuries, both physical and psychological, are both severe and long lasting. In fact, some in our community are affected by these injuries for the rest of their lives. Another very important fact, and one that is not given enough attention, is the finding by the royal commission in its research report which suggested that up to 14 per cent of children with a disability are likely to experience sexual abuse. This is a very disturbing and sobering statistic.

When we speak of redress for survivors, the redress should include a direct personal response, counselling and psychological care and potential financial compensation. I am both pleased and proud that it was the LNP on this side of the House that led the way on this very important issue following the

recommendations by the royal commission last year. It was in July 2016 that we, the LNP, announced our policy to empower survivors of child sexual abuse by removing the limitation on civil claims for child sexual abuse. We on this side of the House were delighted to hear that the Labor government followed our example and leadership and introduced such legislation into the House.

When debating both the government and the private member's bill, one of the main elements of disagreement is the respective removal of the limitation periods. The government bill clearly proposes to retrospectively abolish the application of limitation periods that would apply to claims for damages brought by a person where the claim is founded on personal injury of the person resulting from sexual abuse of the person when that person was a child and the sexual abuse occurred in an institutional context.

The private member's bill proposes to retrospectively abolish the application of limitation periods to rights of action relating to personal injury resulting from child abuse. This involves a wider context, covering child abuse that is not restricted to an institutional context, but includes both sexual abuse and serious physical abuse. While both bills do comply with the recommendations of the royal commission's *Redress and civil litigation report*, the private member's bill goes beyond those recommendations by extending the scope of its provisions to non-institutional abuse and all physical child abuse.

On this side of the House, we favour supporting the government's bill as opposed to the private member's bill, but we also believe amendments to the government's bill that extend the removal of the limitation on claims to survivors of non-institutional abuse, give the court the ability to open previous deeds of settlement entered into upon application to do so and ensure that the inherent jurisdiction of the court is maintained in this process are also important considerations. Therefore, I would encourage the government to adopt all of the LNP's proposed recommendations beyond those being extended, to include non-institutional abuse. Finally, it is also important to observe that the committee agreed that the government bill be passed as opposed to the bill of the member for Cairns.

I certainly acknowledge all of the parliamentary committee members for the diligent work that they undertook in dealing with this very difficult public policy area and the legislation that has been brought before the parliament. I conclude by indicating that, whilst we do need to compensate, we also need to ensure that strategies to prevent such abuse and plans to protect vulnerable and at-risk children are a key priority of government. I have met with a number of survivors of childhood sexual abuse and their families in my electorate of Moggill. I have been very distressed to hear the detail of some of their stories. Certainly the failure for their traumatic circumstances to be adequately dealt with by those who should have known better has also shocked me. It is the right thing to comprehensively address childhood sexual abuse in both institutional and non-institutional settings, not only here in Queensland but right across Australia. As a compassionate and caring society, we must nurture our children and provide safety and opportunity so that civility and social cohesion are protected for future generations.

The courage and bravery of many childhood sexual abuse survivors is to be applauded. As a doctor, I have cared for many patients with alcohol and drug disorders, as well as those with mental health conditions, who have been the victims of childhood sexual abuse. As a doctor and as an individual member of the Queensland parliament, I acknowledge the pain, the trauma and the suffering of all victims of childhood sexual abuse. I believe that today we can take significant steps to actually address some of those circumstances and start to make amends for some of the traumatic childhood sexual abuse situations that have occurred in our community over many years.