




Speech By
Hon. Grace Grace


MEMBER FOR BRISBANE CENTRAL

Record of Proceedings, 8 November 2016

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

 **Hon. G GRACE** (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (5.57 pm): I rise to speak in support of the government bill. Like most Australians, I was shocked by the revelations from the Royal Commission into Institutional Responses to Child Sexual Abuse. The resulting report, tabled in federal parliament in September 2015, outlined sickening acts of sexual abuse perpetrated against vulnerable children across Australia, including here in Queensland.

Supporting the victims of this abuse should always be paramount, as should providing them with access to civil remedies including compensation. That is what this bill seeks to achieve. We have all seen on our TV screens the harrowing accounts from those who suffered terrible abuse by those who had the responsibility to protect them. Recently the opposition leader, the member for Clayfield, and I attended a very moving function in the Undumbi Room. One of my constituents—I did not know that he was going to attend—was in attendance with his sister. Both had a very difficult upbringing. She was in tears most of the day. Her abuse was pretty horrid, just from the scant details she gave me. Her brother, a really fine man who lives in Brisbane Central, was there to support her. They were very appreciative that, finally, the parliament was doing something about the statute of limitations. Often when people were young, were not believed and did not know what to do, the statute of limitations got to them and they were not able to pursue their claim. This bill remedies that. It is an absolute honour to be here, to speak and to vote in favour of this bill.

 **Hon. G GRACE** (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (7.42 pm), continuing: As I was saying before the debate was adjourned, I know that the brother was supporting his sister for what she had been through. I know that all the people in the room that day welcomed the announcement made by the government. We would be failing these victims if we did not act to tighten the loopholes that can currently be exploited by the institutions which let child sex offenders operate under their watch.

Those responsible for crimes against children should face their day in court. They are more likely to under the proposed changes. The bill makes litigation a more accessible option for victims of institutional childhood sexual abuse. That is exactly what we are aiming to do.

I support the retrospective abolition of limitation periods for those seeking a civil damages claim for child sexual abuse as outlined in this bill, along with the provisions that allow for more effective management of class actions. I believe it is completely unfair that institutions can have civil proceedings stayed on the basis of the passage of time, even where the institution was the cause of that passage of time.

This bill goes a long way to remedying what should have been fixed up years ago. It is a privilege to be in this House and to actually vote for this bill to rectify something that has been a long time coming. I support the bill before the House which provides an effective remedy for situations like this.

I know that there are a couple of amendments to this bill that the opposition will move that those opposite spoke about. The government will accept the amendment in relation to opening this up beyond just institutional child abuse to all forms of child abuse by different perpetrators. I know the government will accept that amendment.

There is another amendment the opposition will move relating to opening up private settlements. Although I understand what some members opposite are saying and although on the surface it looks like the right thing to do, what concerns me is that I do not think there has been enough analysis done of any unintended consequences of the amendment.

I think it is unprecedented—and correct me if I am wrong—that a government would aim to open up private settlements. Even though the circumstances may be such that on the surface it looks like the right thing to do, I know that this issue forms part of the discussion paper put out by the Attorney-General. The discussion paper raises this issue so that we can have a debate with all stakeholders about any unintended consequences.

I actually think that discussion, that debate, those submissions should be looked at. I think we have to ensure we understand the issues if this parliament were to act contrary to what has been done in Victoria and New South Wales. They did not go down this path. It was not a recommendation of the royal commission. They understood the difficulties.

Even though I know the member for Mansfield has good intentions in relation to this—and I think it is good that we agree on the main substance of this bill—I think we need the time to assess whether there are any unintended consequences to opening up private settlements. What will that mean for the future? What will it mean for institutions or anybody wanting to enter into private settlements if they know that at some stage, regardless of the issue, the government would be able to come in and declare them null and void to a certain extent by taking it to court and then open them up again? What would be the unintended consequences for people wanting to settle, those people wanting to make an arrangement because they just want to get rid of the issue? We may find that parties will not do that willingly because the government is able to open them up again.

As I said, there are some good points on both sides of the issue. I would prefer to see the discussion paper take its course and to hear from those who have entered into these settlements. Is it something that they want? Is it something that is going to bring about fundamental change or are there hidden, unintended consequences for something that is unprecedented? We would be doing something different to what Victoria and New South Wales have done.

They are my concerns. I back the Attorney-General in saying that we should let the discussion paper take its course. Let us hear from everyone so that we do not rush this at the expense of all the good we want to bring out of this. There could be unintended consequences that could be quite devastating for anybody who wants to enter into a private settlement in the years to come. They would know that a government could open them up some time down the track. Why would you do one? It may be exactly what a person needs to get this issue off the agenda and off the table.

That is the only issue I want to put on the record in relation to that amendment. I would really like to see the discussion paper take its course and see what the arguments are, talk to those who have entered into these settlements and then maybe decide which is the best way to do it. I am guided to a certain degree by the rejection of this in Victoria, by the rejection of this in New South Wales and by the royal commission not even recommending this after extensive evidence and after the very good recommendations that came from the royal commission.

These changes are necessary to comply with the recommendations of the royal commission. As I have said, for far too long those who have suffered sexual abuse as children have been let down by the legal system and the institutions, as we said before, that were meant to protect them. We should be helping those who have already suffered so much in their quest for justice, not hindering them.

The other matter I wanted to touch on was that the bill seeks to amend the Queensland Civil and Administrative Tribunal Act 2009 to permanently embed the arrangement whereby JPs hear certain minor civil dispute matters in QCAT. I think that is a step in the right direction. I want to join other members in this House who have congratulated the great work that JPs do in our community. Recently

the Attorney-General and I held a great forum with the JPs. They were updated on issues relevant to their work, and we congratulated and thanked them for all of their work in the community. They do a fantastic job. They are a wonderful part of our community. It is an honour tonight to be supporting the changes in this bill. I commend the bill to the House.