




Speech By
Jennifer Howard

MEMBER FOR IPSWICH

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**

 **Ms HOWARD** (Ipswich—ALP) (4.27 pm): I rise to speak in support of the Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Bill 2016. The horror of child sexual abuse is difficult for many to comprehend. No matter who is responsible and how old the person is who suffers the pain, fear and betrayal, the consequences of such abuse are profound and far reaching. For some, these acts are committed in institutions.

Churches, schools, sporting clubs and other institutions have been responsible for perpetrating some of the worst crimes against our children, scarring them for life. These are places that are meant to represent a safe place for children—places where they are supposed to build a second family. They are not designed to destroy lives. To make matters worse, many of the victims have been terrorised into silence by the perpetrator. The perpetrator may have threatened their family, their person or maybe just inspired guilt in the victim beyond anything we can comprehend. Many of us know someone who has been a victim of child sexual abuse, and many have seen firsthand the consequences and the suffering that these victims experience, often many years later. I am proud to be part of a government that has taken the initiative to provide more flexible and considered assistance to those who have suffered at the hands of abusers.

The current limitation period for an action for damages for personal injury is three years from the time the action occurred or three years from when the person turns 18. While this law may be beneficial with regard to a number of cases, I believe that it is a shameful law to have regarding institutional child sexual abuse. As I said, a great fear permeates victims of child sex abuse. For so many it is something they would rather forget—something they would like to treat as happening in the past to a different person at a different time. However, the reality is that this has caused mental and physical heartache to many Australians, as the recent Royal Commission into Institutional Responses to Child Sexual Abuse has shown us.

This means that we need to provide these victims with the time and patience necessary for them to come forward. I am immensely proud of the Palaszczuk government, in particular the Premier and our Attorney-General, for seeing this grievous error and rectifying it. With the passing of this bill, victims of child sexual abuse within an institutional context will have limitation periods removed. Even more importantly, this will apply retrospectively so as to include any past victims of institutional child sexual abuse. While expressly limited to victims of institutional sexual abuse, this will provide people with a voice—something they did not have before. I have been approached by a number of victims in my own electorate, some who suffered in schools and others in sporting institutions. These are men and women

who are, in some cases, well into their 50s and 60s—well past the initial time frame for reporting and claiming damages for the horrifying events that occurred to them in their youth. I can now look these people in the eye and tell them that the Palaszczuk government has acted to right this wrong.

Our government is committed to preserving the relevant courts' existing jurisdictions and powers to stay proceedings where it would be unfair to the defendant to proceed. What is more, the Queensland government will amend the Civil Proceedings Act 2011 to introduce a comprehensive regime for the conduct and management of representative proceedings, also known as class actions in Queensland. In Queensland presently there are some representative party provisions. However, these are rather limited in their scope. In some cases they just do not provide an adequate framework for the effective conduct of class actions. The amendment of the Civil Proceedings Act will enact a regime modelled on substantially similar legislative schemes in place in the Federal Court of Australia, Victoria and New South Wales. Overall, this will ensure that in many cases brought against an institution Queenslanders will have the ability to effectively engage as a group.

Today we are also discussing the Limitations of Actions and Other Legislation (Child Abuse Civil Proceedings) Amendment Bill introduced by the member for Cairns. While similar in some aspects—and I commend the member for Cairns for his work on this bill—his bill would take measures that would see an unwanted precedence in the case of settlements in Queensland. The member's bill inserts a new section 51 of the limitations to allow a person who has previously settled and entered a settlement agreement after the limitation period had expired but before commencement of the new provisions to bring an action on the same matter. However, if this occurs, the settlement agreement is void.

At present the courts in Queensland have the power to overturn settlement deeds where there are vitiating factors such as mistake, misrepresentation or unconscionable conduct. This gives the court the powers to deal with unjust settlements. Introducing amendments such as these would be setting a precedent in Queensland and would allow the courts to intervene in private settlements—something they currently do not have the power to do. The introduction of these amendments requires appropriate consultation. This has not occurred for these or any of the other provisions that go beyond the recommendations of the report of the royal commission. The committee has therefore recommended that the private member's bill not be passed.

I want to acknowledge all of those people who submitted to that committee and commend them for their bravery in doing so. It is time that victims of institutional sexual abuse are heard and that those who perpetrated it are brought to justice. What we do here today will ensure not just justice for those who suffered in the past but provide a foundation for those who may suffer it in the future. I commend the bill to the House.