




Speech By
Mark Ryan

MEMBER FOR MORAYFIELD

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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**

 **Mr RYAN** (Morayfield—ALP) (4.12 pm): I rise to make a contribution to the cognate debate on the Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Bill 2016, which is a government bill, and the Limitation of Actions and Other Legislation (Child Abuse Civil Proceedings) Amendment Bill 2016, which is a private member's bill introduced by the member for Cairns. I would also like to speak to report No. 41 of the Legal Affairs and Community Safety Committee. I note that the committee has done a very good job and prepared a very thorough report in respect of these two pieces of legislation before the House. I particularly note that the committee has consulted widely and taken submissions from a number of key stakeholders. I also note that the committee has recommended that the government bill be passed but the private member's bill not be passed.

This is a very important bill not only because it addresses the child sexual abuse element around the limitation of actions but also as it is a watershed bill because it makes four fundamental reforms to the law. Each and every one of those fundamental reforms is very, very important to the state of Queensland and will make a difference to the lives of the people of Queensland. I wanted to address each of those reforms.

The first reform—and we have heard contributions from the majority of members who have already spoken today—relates to the limitation of actions. The proposal in this bill is to remove the current limitation period for actions for personal injury from the current three years from the time the action occurred or three years from when the person turns 18. This follows on from a conversation and recommendations which flowed from the royal commission in its *Redress and civil litigation report*. The Premier has been a leader when it comes to not only bringing this legislation before the House but also in considering these matters which are so important to the people of Queensland.

We have heard other members in this House speak about heinous and horrible acts of child sexual abuse and the dramatic impact that that has not only on the child involved but also all those people around the child, their family and friends, and its lifelong effects. I think that whatever we can do to ensure that those people get justice is a fundamental responsibility of this House, and I am very pleased that there is unanimous support for the concept of removing the limitation period for actions for damages for personal injuries associated with child sexual abuse. This will make a difference to the lives of the people of Queensland and will ensure that those people who have gone through those heinous and terrible acts of child sexual abuse receive some justice and compensation for the terrible experience they have had.

There are also a number of other key reforms in this bill, and the second one I want to speak about relates to the changes to class actions in Queensland. For many, many years the majority of those groups in Queensland who would like to bring a class action have either had to go interstate or into the federal jurisdiction to bring those causes of action because it was just too difficult to bring a class action in the Queensland regime. It was nearly impossible, so the changes to the Civil Proceedings Act will not only ensure that those groups can bring class actions here in Queensland but will also ensure that those people who do have a class action do not have to go interstate and incur the additional stress and cost associated with going interstate or into the federal jurisdiction to bring those class actions. That will be very welcome and it will ensure that those people who are seeking compensation who may have applied to a class or group of people can do so in Queensland through the Queensland court system and receive justice.

The third key reform in the government's bill relates to changes to LPITAF, the Legal Practitioners Interest on Trust Account Fund. LPITAF has been a very important part of ensuring access to justice for many years. The interest that has been earned on solicitors' trust fund accounts has been used to fund things like community legal clinics, law library services and other matters associated with the regulation of the legal profession. Those interest earnings have been used for a great common good to ensure that those people who are less fortunate in our community are able to have some access to justice to get legal advice. But things have changed, and I note anecdotally that the amount of money which is held in the fund is lower because of the speed of transactions, and electronic conveyancing has also had a big impact on the amount of money which is held in the fund, which of course then has had some impact on the amount of interest that is earned. I note that for a number of years now there have been top-ups from the consolidated fund to support community legal clinics.

While I am speaking about community legal clinics, it is important that the federal government also steps up and provides funding for community legal clinics. Community legal clinics are in each and every one of our communities, and I am sure that every electorate office deals with people who are coming to them seeking legal advice and legal support. The way that we are able to provide that support and advice is through referrals to our local community legal clinics. What we can do to ensure that those people who are less fortunate, the most marginalised, the most vulnerable and disadvantaged in our community have access to justice is by having a properly funded community legal clinic system in Queensland, and the federal government needs to step up and provide additional funding to support the CLCs.

I also want to talk about the fourth reform in the government's bill: the changes to the QCAT Act and the QCAT Regulation to make the justices of the peace QCAT trial a permanent feature of our justice system in Queensland. A number of years ago I had cause to look at the regulation of justices of the peace in Queensland and the support government could provide to them and also the role JPs had. I note that the former attorney, the member for Kawana, led some reform in that space which introduced the justices of the peace QCAT trial.

I know that many people value the justices of the peace QCAT trial. I know one particular justice of the peace in the Caboolture area who is a regular participant in the justices of the peace QCAT trial. Her feedback to me is that she thinks it is a very worthwhile initiative and it ensures people have access to justice in a timely way. I am pleased to see that the justices of the peace QCAT trial will be made a permanent feature of our justice system in Queensland.

There are four really important reforms contained in the government's bill. I am very pleased to see that there is support from both sides of the House to ensure the bill passes. Of course, the most fundamental is ensuring that those people who have experienced child sexual abuse are not prevented in any way from seeking justice due to a limitation of action period. This is an important bill. I commend the Premier and the Attorney-General for their work in this respect. I also encourage all members of the House to support it.