




Speech By  
**Ray Stevens**

**MEMBER FOR MERMAID BEACH**

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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**

 **Mr STEVENS** (Mermaid Beach—LNP) (5.42 pm): I rise to add my voice to those in our Queensland community who support this multipart bill and condemn sexual predators within our society. This bill sends a clear message for the future. It is a very great day in this House because, even though there are different points of view on matters concerning the legislation which I hope will be passed tonight, it is a wonderful evening for Queenslanders to know that their legislators have taken a very serious, fair and just view of the horrible practice which has occurred in the past—and may occur in the future—and give rights to those who have been affected by child sexual abuse. From the government with their bill—particularly the Leader of the Opposition, who highlighted this matter to the parliament in the early stages of his leadership—to the honourable member for Cairns and the bill that he has put before the House which contains views that he strongly supports, we have all contributed to make a better life for the people who have been affected by this terrible abuse in Queensland.

In July this year the LNP announced their initial policy to empower survivors of child sexual abuse by removing the limitation on civil claims for child sexual abuse. In August it was encouraging that the Palaszczuk Labor government announced a bill which follows those principles. The government's bill, the Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Bill 2016, is a positive step for the Queensland parliament to redress these terrible actions with modifications to the Limitation of Actions Act 1974 and Personal Injuries Proceedings Act 2002, acknowledging the incredible difficulty that many feel in coming forward and the long-lasting effects they have felt when sexual abuse occurred in an institutionalised context when they were children. While the above is certainly an improvement and acknowledgment of the failings of the current legislation's inability to meet the victims' needs while delivering justice, it is disappointing in its creation of categories of survivors of these horrendous actions.

The survivors of this abuse, no matter the context in which it occurred, deserve the opportunity to seek justice in their own time and when they are ready and capable of facing the perpetrators of these actions without unreasonable fear or pressure of a time line that only applies to some. The bill in its current form defines an institution as 'an entity ... that provides or provided activities, facilities, programs or services of any kind that gives or gave an opportunity for a person to have contact with a child'.

Amendments to this bill which extend the removal of limitations on claims for survivors of non-institutional abuse would ensure that there are not categories of survivors. Clear evidence has now been discovered by the Queensland Child Protection Commission of Inquiry and the Royal Commission into Institutional Responses to Child Sexual Abuse which show that in many cases undiagnosed

psychological damage and trauma is not recognised until well into adulthood. Queenslanders do not need a system that discriminates against people depending on where their abuse occurred, and the removal of these time frames will allow for claims to be determined on their merit.

Further, it could be assumed that the pressure and speed required to deal with these claims may have resulted in deeds of settlement being entered into to appease statutory limitations. I am sure that any small amount proffered at those particular times would have been gratefully received, and in my view there was certainly an unfair bargaining power wielded by these massive institutions against individuals. Basically it was, 'Sign this confidentiality agreement here or forever go to hell.' The Palaszczuk Labor bill does not adequately acknowledge or provide for this, and the amendment to the bill moved by our shadow Attorney-General would provide an opportunity for these claims to be revisited, voiding these agreements, but remaining subject to the court's inherent, implied or statutory jurisdiction. This would be a further positive for Queenslanders seeking appropriate justice.

This bill addresses shortcomings in our legislation, which does not adequately care for victims. Supporting the ideals of this bill is a positive move for them and all members of the Queensland community. Other matters within this bill further enhance our legal system in the situation where a number of people have suffered a loss, injury or damage as a result of multiple wrongs through enhancing access to justice and promoting efficiency, transparency and consistency in administration.

Representative actions, commonly called class actions, are provided with limited legislation as the Uniform Civil Procedure Rules 1999 provide an inadequate framework. The new statutory regime provided in the bill will give a clear and comprehensive set of procedures not only for the conduct and management of these representative proceedings but it would also provide for matters including threshold requirements, standing, settlement, discontinuance of proceedings and costs, among other things. The bill will also provide for modifications to the Queensland Civil and Administrative Act 2009—QCAT—ensuring the ongoing efforts of our justices of the peace and perpetuating their involvement to reduce the QCAT case load. JPs are a wonderful asset to our community, and the role they fill is of great value in assisting to reduce the workload of our legal system. Therefore, this bill will facilitate the management of minor civil disputes on matters up to the value of \$5,000 including residential tenancy disputes, fence disputes, minor debts and consumer and trade disputes and will be an important component of reducing the workload of QCAT by shortening waiting times.

The changes included in this bill support and reduce the QCAT case load while allowing for proper consideration of minor civil dispute matters, decreasing the wait time on not only these disputes but also all matters presided over by QCAT. Without these changes, JPs would be impeded in assisting in minor civil disputes. I can assure the House that JPs really enjoy the recognition given to them by the capacities given by the former government to participate in QCAT proceedings. I certainly support this bill.