




Speech By
Tim Nicholls

MEMBER FOR CLAYFIELD

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INSTITUTIONAL CHILD SEXUAL ABUSE, MOTION TO TAKE NOTE

 **Mr NICHOLLS** (Clayfield—LNP) (Leader of the Opposition) (9.50 am): I thank the Premier and the government for affording me this opportunity to speak on what is an important issue to me personally and to my LNP team. I should point out from the outset that the opposition has just received the draft legislation and has not yet had an opportunity to consider the discussion paper and my comments are, in general, based upon the government's public statements on this matter over recent weeks.

We feel very strongly about survivors of child sexual abuse having a voice when they have been denied that right in the past simply because of an arbitrary time limitation. We have heard stories from those survivors. We have heard the tales of distraught people—people who have taken an enormous amount of time to come to grips with what happened to them, to establish their own lives and to feel secure enough that they can talk about it to others and, importantly, that they can seek advice and redress from the past. These stories are genuinely heart-rending. When we look at some of our great institutions, I think some of us shake our heads that some of these things were able to take place in the past. Whilst we do not condemn those institutions out of hand, we must do everything we can to make sure we right the wrongs of the past.

I am pleased that the Premier and the government have followed the LNP's policy on this issue and followed our lead in responding to the recommendations in the interim report of September 2015 from the Royal Commission into Institutional Responses to Child Sexual Abuse. On 24 July I announced my and my party's intention to introduce legislation concerning these limitations should we be fortunate enough to come to office. We did that because, having heard nothing of the government's plans, we thought it appropriate to signal our intentions to redress these wrongs to the broader Queensland community. Clearly, our initiative galvanised the government into action and we support the government's moves in this respect.

In early August the Premier announced the government's own plans to introduce legislation to remove limitations on the victims of child sexual abuse launching civil actions to recover damages, and I indicated publicly our general support for that course of action. This bill constitutes a step in the right direction as a response by the parliament of Queensland to the tragic circumstances that have come to light in recent years relating to the sexual abuse suffered by children. In particular, I refer to the work of the Queensland Child Protection Commission of Inquiry and the Royal Commission into Institutional Responses to Child Sexual Abuse.

At its core is an acknowledgement that up until now legislative remedies have failed to meet the genuine needs of victims, have failed to respond to the changing circumstances and, in many cases, have failed to deliver just outcomes. Those responses and we have just failed. While this is a welcome, albeit belated, announcement, we were somewhat dismayed to discover that the government's reforms

would extend only to those victims who suffered abuse in institutions. Those who suffered outside an institution—say at the hands of family members or strangers—would still be shackled by the existing limitations. That is why I would urge the Premier and her government, as the Premier has indicated today, to consider whether this bill goes far enough and whether it ought to go further. We believe it should.

The LNP believes that, by restricting the removal of the statute of limitations to only certain cases of child sexual abuse, there is an effective creation of two classes of survivors. That would be patently unfair. How could we as legislators say to a victim of child sexual abuse that they do not deserve their day in court to seek justice simply because of the circumstances of their abuse? That is why I foreshadow today that through the proper processes of this parliament we will seek to move amendments to the bill that broaden the effect of the government's legislation and extend the range of survivors to whom it will apply. It is not fair to discriminate against people simply because of the circumstances in which they suffered, and we will do what we can to provide a voice for all survivors of child sexual abuse in Queensland.

In government we had a strong record of standing up for victims of crime, whether it be by passing strong new laws or strengthening existing laws, establishing a Child Protection Commission of Inquiry, the review into domestic violence led by Dame Quentin Bryce which led to the landmark *Not now, not ever* report, which we continue to support with the government, increasing funding to victims advocate groups or by enabling victims to read a victim impact statement before a sentence in court. These were fundamental to ensuring that Queensland is the safest place to live, work and raise a family and, importantly, it is a fair place to live, work and raise a family.

The existing legislation—that is, the legislation to be amended by the bill introduced by the Premier—needs amending because it ignores the fact that in many cases psychological damage is neither diagnosed, apparent nor even brought to the attention of the appropriate medical professionals within these time frames. There is now clear evidence that many survivors of abuse find it too difficult to deal with the trauma involved in seeking justice for their abuse until well into adulthood. In many instances, particularly for men, it is not until they have established a family and have children of their own that they can take such action. In such circumstances, it is unfair to deny them the opportunity of legal redress.

This brings me to my next point, which relates to the deeds of settlement that have already been agreed to between parties. In many instances, settlements may have been entered into because there was a statutory time limitation on civil claims being presented to a court. This is another point of contention that we feel strongly about and believe the government has failed to acknowledge and address. If a right of action relating to a personal injury resulting from child sexual abuse was settled, the settlement agreement should not prevent a person from bringing an action under these revised rules unless a court otherwise orders having regard to the circumstances of the case. I note the comments from the Attorney-General on this matter as published in the *Guardian* online on 5 August that—

Any legislative attempt to remove past deeds entered into with private institutions has the potential to have far-reaching and unintended consequences.

Again, I foreshadow amendments to the bill through the proper parliamentary processes that provides for an opportunity for settlement agreements to be voided by the court but subject to any inherent, implied or statutory jurisdiction of the court. The judges with the experience will have the ability to supervise and supervene any such claims.

We will work through the committee process and encourage victims advocate groups to support sensible changes that improve the scheme for survivors of these heinous crimes. If we are going to learn from past societal abuses, it is only right that as legislators we do what we can to ensure that these changes are fair, nondiscriminatory and lawful. That is the aim of the LNP. I again want to thank the Premier for this opportunity to speak on this very important issue. We will be supporting the thrust of the legislation, but we do believe it can be made better. We believe this is the opportunity for all of us to do something that will right the wrongs of the past and ensure a fair day in court for all those who have suffered from past abuses.