




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

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MINISTERIAL STATEMENTS

Institutional Child Sexual Abuse

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (9.59 am): I am pleased to be able to rise today to tell the House that the Palaszczuk government is addressing a decades-long injustice perpetrated against some of the most vulnerable members of society and to concur with those comments made by the Premier. Over the last few years we have heard countless harrowing tales from the Royal Commission into Institutional Responses to Child Sexual Abuse. This horrendous crime has been carried on against the people we are supposed to care for most, often by the people in whom the greatest trust was placed to impart that care. The impact on the victims is something that had instant and appalling consequences, but often it takes many years for the victims to become aware of the significance of what they have suffered. Indeed, the royal commission found that many victims of child sexual abuse are into their 30s or 40s before they are fully able to comprehend and confront what they have endured, let alone begin the arduous process of seeking justice for those actions.

Until now the Queensland law required that a child victim had just three years from the time they turned 18 to bring a civil action to court. This statute of limitations has been a significant obstacle to these victims finding justice. That will happen no more. The government has been working for months on developing a response to the royal commission recommendations. Legislation to remove the statute of limitations for victims of child sexual abuse in institutions will soon be introduced in parliament. This will ensure greater access to justice for victims of child sexual abuse in institutions by removing the legal limit which can hamper their ability to make claims for damages.

We are calling on the Commonwealth to move towards a national redress scheme for the victims of institutional child sexual abuse and we are releasing an issues paper which will look at the issues arising from recommendations 85 to 95 of the royal commission. This approach is very important to ensure the wider issues are properly dealt with, stakeholders are involved in the policy process and to achieve workable, effective laws in what is a very complex and sensitive area. Those issues outlined by the Leader of the Opposition today—many issues that include going beyond institutions and beyond child sexual abuse to physical abuse or psychological abuse—did not form part of the royal commission's recommendations. That is why it is important that we have a discussion paper that deals with these issues and allows key stakeholders, survivors and institutions to have input into how that should be framed. The issues paper will provide an opportunity to seek stakeholder and community interest in broader civil litigation reforms on a number of issues. We hope for bipartisan support and cooperation from not just the opposition but members right across the parliament.

In addition to those issues outlined by the Premier, the issues paper will go to whether legislation should include a test for what is reasonable care to prevent child sexual abuse in institutions; the financial and other associated impacts with implementing other royal commission recommendations

regarding non-delegable duty; whether the reverse onus should apply to all institutions— recommendation 91 of the commission provides that all institutions should be liable for child sexual abuse unless the institution can prove it took reasonable steps to prevent the abuse—what relationships should be captured by a proposed reverse onus of proof; and whether the defendant has a responsibility to nominate an additional related entity with capacity to meet any award of damages or costs. The government is also releasing whole-of-government guidelines for civil litigation to ensure that the Queensland government lives up to these high standards. This is only the start of this process and I, like the rest of this government, look forward to working with them towards achieving justice for those who have suffered so much.

This bill will also contain other elements for which the government is seeking bipartisan support. In relation to class actions, in Queensland persons wishing to undertake a representative proceeding, or class action, are forced to do so in other jurisdictions given the uncertain and unclear current provisions in the Uniform Civil Procedure Rules 1999. The bill will seek to provide a contemporary statutory regime for class actions within the Civil Proceedings Act allowing for class action proceedings to take place in Queensland and will align Queensland legislation with that relating to the Federal Court of Australia, New South Wales and Victoria.

The amendments will form the funding arrangements for all legal assistance, legal professional regulation and law library services to improve certainty and the long-term sustainability of services. We know that over many years the income generated in this way has been declining with the global financial crisis and changes to the way legal firms operate including electronic conveyancing. Under the new arrangements announced in the budget, services will be fully funded from the Consolidated Fund. The amendments enable the transfer of interest revenue earned from the Legal Practitioner Interest on Trust Accounts Fund to the Consolidated Fund to partially offset the increased expenditure. The justices of the peace trial has been operating within QCAT since 2013. The bill will move it beyond a trial to permanently embed the justice of the peace within QCAT and ensure that these provisions continue to be seen in Queensland communities.

I would like to thank the Premier for her leadership on this important issue. I again would like to thank the survivors, stakeholders and members of the legal profession, who have worked tirelessly in this policy reform area. As I said, this is only the start of this process. I look forward to continuing to work with stakeholders and members of this House in delivering this historic reform.