




Speech By  
**Jennifer Howard**

**MEMBER FOR IPSWICH**

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**CIVIL LIABILITY AND OTHER LEGISLATION AMENDMENT BILL**

 **Ms HOWARD** (Ipswich—ALP) (4.50 pm): I rise today to give my full support to the Civil Liability and Other Legislation Amendment Bill. I want to take this opportunity to commend the work of the Attorney-General for introducing the bill to implement recommendations 91 to 94 of the Royal Commission into Institutional Responses to Child Sexual Abuse in its *Redress and civil litigation report*. I also want to acknowledge the contributions that I have heard since I have been in the chamber from the member for Mirani and also the member for Redlands, who spoke of her friend. It is very humbling to hear the personal reports of survivors of child sexual abuse.

In many ways, this bill gives a voice to survivors of institutional child sexual abuse by issuing reforms that allow fairer access to justice by making it easier for survivors to seek damages against institutions which failed to provide proper care for them many years ago. For childhood abuse survivors, seeking justice can mean having to relive the trauma and horrors of the past. It means going up against powerful institutions to right the wrongs that were done to them. This significant power imbalance has discouraged people from seeking compensation they should have been afforded for past sexual abuse. This bill will correct that power imbalance.

The bill amends the Civil Liability Act 2003 to prevent institutions avoiding their liability by hiding behind unincorporated status or complex trust arrangements, and it will remove legal roadblocks that prevent institutions accessing their trust accounts. The bill also makes institutions liable if they fail to take all reasonable steps to prevent abuse from occurring. This will ensure institutional governance is improved in the long run, affording greater protection to children in their care. The reverse onus presented in this bill ensures that the obligation shifts to the institution to demonstrate that they took all reasonable steps to prevent the sexual abuse of a child in their care.

We have got to where we are today because of the landmark Royal Commission into Institutional Responses to Child Sexual Abuse, which finally gave a clear voice to survivors of childhood sexual abuse. Its recommendations are now transitioning into meaningful and positive legislative changes which are helping victims all over the country. The commission has lifted the lid on many terrible cases of abuse in orphanages, schools and churches. For instance, we heard about the Neerkol orphanage run by the Sisters of Mercy in Rockhampton, which saw 4,000 children pass through its doors over 93 years. The commission heard from 53 former residents of the orphanage who came forward to provide information about the sexual and physical abuse they suffered at the hands of the priests, sisters and former employees during their time living at the orphanage. Many courageous men and women—former residents of Neerkol—came forward to give testimony of the brutal sexual and physical abuse they suffered at the hands of the adults who were meant to protect them.

The royal commission also heard from survivors who lived at the Salvation Army Home for Boys in Indooroopilly and the Riverview Training Farm in Ipswich. The boys in the Salvation Army's care were brutally beaten and subjected to excessive physical punishment and sexual abuse. While some of those instances of sexual abuse and rape were reported to staff at the time, nothing was done about it and more often than not it was unlikely to be believed. The commission also heard about the case involving

44 child sexual assault offences against 13 girls committed by a teacher at a Catholic primary school in Toowoomba over the years 2007 to 2008. The commission heard that the systemic procedural failures at the school led to the abuse, yet the school employed and re-employed the teacher despite the credible and serious allegations made against him that he was sexually abusing girls.

Overall, the evidence given at the royal commission related to 3,489 institutions. It heard from 8,000 witnesses in private sessions and received 1,344 written accounts. These figures are absolutely staggering and show the vast extent of the abuse and trauma that was going on in our institutions right under our noses. It is timely that we present this bill on the first anniversary of the national apology to victims and survivors of institutional child sexual abuse. The Palaszczuk government is taking tangible steps to make it easier for survivors of child sexual abuse to sue institutions for the serious sexual abuse they endured.

It is heartening to hear today that an amendment has been made to the bill to extend the definition of abuse to include serious physical and psychological abuse. Survivors of abuse—sexual, physical or psychological—will now no longer come up against legal loopholes and roadblocks when they seek damages for the suffering they endured as children. On top of the legislation we are introducing today, our government has previously introduced legislation to remove the limitation periods for survivors to start civil proceedings against institutions.

Furthermore, last year we adopted the National Redress Scheme for survivors of child sexual abuse in institutions, committing \$500 million to support our participation in the scheme which commenced on 1 July this year. The National Redress Scheme has already received more than 5,040 applications nationwide, offering on average payments of \$80,000 to 746 cases. Because of the amendments made in the bill today, many more survivors out there who suffered lifelong trauma at the hands of institutions will come forward to seek justice. Their stories still shock us and it grieves us to think that every day they still have to live with the consequences of that abuse. As members of parliament, it is our duty to enact legislation that makes it easier for them to achieve justice for the abuse they suffered. I commend the bill to the House.