

Question on Notice

No. 1743

Asked on 23 October 2019

MS J PEASE ASKED THE ATTORNEY-GENERAL AND MINISTER FOR JUSTICE (HON Y D'ATH) –

QUESTION:

Will the Attorney-General advise how the Palaszczuk Government is making it easier for child abuse survivors to sue the institutions where the offences occurred?

ANSWER:

I thank the Member for Lytton for her question.

On 23 October 2019, the Legislative Assembly passed major reforms introduced by the Palaszczuk Government to make it easier for the survivors of all kinds of child abuse to sue the institutions where the offences occurred.

These reforms include amendments to the *Civil Liability Act 2003* removing barriers that prevent survivors from taking legal action against unincorporated institutions. The amendments allow for the unincorporated institution to appoint a proper defendant to defend claims and satisfy liability. If the unincorporated institution does not appoint a proper defendant, the court has the power to appoint one.

Institutions (whether incorporated or unincorporated) will be able to access associated trusts to satisfy liability arising from a judgment in, or a settlement of, an abuse claim.

The reforms also included amendments to the *Limitation of Actions Act 1974* and the *Personal Injuries Proceedings Act 2002* to retrospectively remove the limitation periods applying to actions for serious child physical abuse and psychological abuse connected to child sexual abuse or serious physical child abuse.

Similar to amendments that took effect when the limitation periods were removed for child sexual abuse, the removal of the limitation periods for serious child physical abuse and connected psychological abuse will allow for previously barred rights of action to be opened and the court will have a discretion to set aside previously settled rights of action, if it is just and reasonable to do so.

For any abuse that occurs in the future (after the commencement of the relevant provisions) an institution will have a new statutory duty to take all reasonable steps to prevent the abuse of a child by a person associated with the institution while the child is under the care, supervision, control or authority of the institution.

Institutions will have to prove they took all reasonable steps to prevent the sexual and serious physical abuse of children in their care to avoid legal liability for that abuse.