

NATIONAL QUEENSLAND

Laws removing child sexual abuse limitation periods passed

By **Felicity Caldwell****Updated** November 8, 2016 – 9.37pm, first published at 4.34pm

Victims of child sexual abuse will be able to pursue civil legal action in Queensland, regardless of when or where it happened, after new laws passed in parliament.

Previously, survivors could only pursue civil action within three years of their 18th birthday.



Attorney-General Yvette D'Ath spoke in parliament as the limitation period was removed for child sexual abuse. GLENN HUNT

The LNP also had a win during the debate, with one of their amendments passing - despite the government opposing it.

Labor MPs did not call a division after losing a vote to amend the bill, meaning victims will be able to apply to courts to reopen past deeds under the amendment proposed by the LNP.

It is understood the government may not have had the numbers in the House to win a division to oppose the amendment to the bill.

Parliament was debating two bills on Tuesday that would remove limitation periods for victims to seek civil legal action.

The government's bill proposed to abolish limitation periods for institutional child sexual abuse. It was amended to also include non-institutional victims.

Attorney-General Yvette D'Ath said removing the statute of limitations for child sex abuse was an important step towards addressing decades of injustice and indifference shown to victims.

"The statute of limitations created a small window that became the only chance for victims to lodge claims on reaching adulthood," Ms D'Ath said.

Opposition Justice spokesman Ian Walker said the LNP would support the government's bill, introduced after the recommendations in the Royal Commission into Institutional Responses to Child Sexual Abuse.

"The issue is an important one for Queenslanders and we owe it to them to be their voice, a voice they haven't had for so long and to give them an opportunity to seek justice in their own time," Mr Walker said.

"People have been waiting for a long time and in some cases they may never have thought this day would have ever come."

Independent member for Cairns Rob Pyne, who introduced his own private member's bill - which failed to pass - urged MPs to "have a bigger heart" and broaden the scope of the legislation, including extending it to instances of serious physical abuse.

"It is the right thing to do I think, as a society, as a community, as a Queensland people, we can have a bigger heart than this, we can do better than this," Mr Pyne said earlier on Tuesday.

"Sadly, I expect the House to vote down my bill."

Mr Pyne's bill aimed to reintroduce the right to trial by jury for civil actions for personal injury arising from child abuse and remove civil statutory time limits for personal injury arising from child abuse.

It also proposed defining child abuse as not restricted to an institutional context and including both sexual and serious physical abuse.

Opposition Leader Tim Nicholls said it was a proud day for the Queensland parliament.

"We can't erase or change the past but we can change the future," he said.

The LNP sought amendments removing the limitations for non-institutional victims and allowing courts to review whether previous settlements could be reopened.

Both amendments passed.

Earlier, Ms D'Ath flagged Labor's [support for changes that would also remove the statute of limitations for children sexually abused outside of institutions](#).

But the government opposed giving courts the power to decide whether to reopen past deeds.

"It is still extremely broad... We don't know what that scope looks like," Ms D'Ath said.

She also pointed out the insurance implications for smaller community organisations, such as sporting clubs.

Before the deeds amendment was passed, Ms D'Ath said she hoped stakeholders would not go away from today "looking at what they didn't get out of this process".

"But instead looking at what this parliament is doing today. And that is removing a very significant barrier that has been there for many years, that has stopped victims of child sexual abuse from taking their claims to the court and having them tested."

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