1. On 16 August 2016, theLimitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Bill 2016 (the Bill) was introduced into the Legislative Assembly by the Premier and Minister for the Arts. The Bill makes a number of amendments to:
* to retrospectively abolish limitation periods that would apply to claims for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person when the person was a child, and the sexual abuse occurred in an institutional context;
* introduce a statutory regime for the conduct and management of representative proceedings (class actions) in Queensland to enhance access to justice and promote efficiency, transparency and consistency in the administration of justice where a number of people have suffered loss, injury or damage as a result of an alleged multiple wrong;
* replace current funding arrangements under the Legal Practitioner Interest on Trust Accounts Fund with funding through the Consolidated Fund and improve solicitors’ trust accounts administration; and
* permanently embed the arrangement whereby Justices of the Peace hear certain minor civil dispute matters in the Queensland Civil and Administrative Tribunal.
1. On 18 August 2016, the Member for Cairns, Mr Rob Pyne MP, introduced the Limitation of Actions and Other Legislation (Child Abuse Civil Proceedings) Amendment Bill 2016 (the Private Member’s Bill). The objectives of the Private Member’s Bill, as noted in the Explanatory Notes, are to: remove the legislative time limits for personal injury actions arising from child abuse; amend the *Civil Liability Act 2003* to reintroduce trial by jury for civil actions for personal injury arising from child abuse; amend the *Civil Proceedings Act 2011* to prevent an institution from having civil proceedings stayed on the basis of passage of time, including “where the institution was the cause of the passage of time” or on the basis of questioning facts where the institution has already admitted those facts or an inquiry has made formal findings regarding those facts; allow for the re-litigation of matters where a previous judgment or settlement has been made; and amend the *Personal Injuries Proceedings Act* *2002* to remove procedural time limits for personal injury actions from child abuse.
2. The Legal Affairs and Community Safety Committee considered both Bills in November 2016 and made two recommendations: that the Government Bill be passed; and that the Private Member’s Bill not be passed.
3. Cabinet decided to oppose the Limitation of Actions and Other Legislation (Child Abuse Civil Proceedings) Amendment Bill 2016.
4. *Attachments*
* [Limitation of Actions and Other Legislation (Child Abuse Civil Proceedings) Amendment Bill 2016](Attachments/Bill.PDF)
* [Explanatory Notes](Attachments/ExNotes.PDF)