

Limitation period to go for child abuse victims

Tuesday, 17 January 2017

- **No cap to be placed on maximum damages that can be awarded to survivors**
- **Current limitation period is six years**

Laws to remove limitation periods for victims of child sexual abuse to take civil action against perpetrators and institutions will be enacted by a re-elected Liberal National Government, Premier Colin Barnett said today.

Mr Barnett said the Government would also remove limitation periods for serious physical abuse, recognising that this was also traumatic and could have a lasting impact on a person's wellbeing.

The change would make WA one of only three jurisdictions - alongside New South Wales and Victoria - to remove limitation periods for physical as well as sexual abuse.

The removal of limitation periods would not be limited to child abuse which occurred in an institutional context.

"Survivors, regardless of where the abuse occurred will be able to commence civil action without the barrier of limitation periods," Mr Barnett said.

The Premier thanked Eyre MLA Graham Jacobs for his advocacy for victims.

"Graham's work on this issue has led to these changes and he has made a significant contribution to this outcome," he said.

Deputy Premier Liza Harvey, who chaired a Cabinet sub-committee to examine the matter, said after meeting with a range of people including survivors of child sexual abuse, and considering submissions, it was clear an injustice needed to be corrected.

Ms Harvey said the Government also recognised that some survivors may have accepted out of court settlements for abuse they suffered in circumstances where the limitation period for their claim had expired, leaving them with no ability to take action in the courts.



Hon Colin Barnett MEdc MLA

Premier; Minister for Tourism; Science



Hon Liza Harvey MLA

Deputy Premier; Minister for Police; Road Safety; Training and Workforce Development; Women's Interests



Hon Michael Mischin LLB (Hons) BJuris (Hons) MLC

Attorney General; Minister for Commerce

They may have felt obliged, by reason of their poor bargaining position, to take what was offered to them by way of settlement.

"Consequently, our amendments will allow victims who have received out of court settlements for child abuse to have these settlements set aside by the court," the Deputy Premier said.

"There will be no cap placed on the maximum damages that can be awarded to survivors - the court will determine the damages payable to a person who suffered child abuse."

Attorney General Michael Mischin said the changes would not preclude victims who had previously received redress for sexual or serious physical abuse experienced as a child from commencing civil action.

"Western Australia has administered two State-based redress schemes - Redress WA and the Country High Schools Hostels Ex Gratia Scheme," Mr Mischin said.

"The Liberal National Government is committed to allowing survivors of child abuse to be able to take civil action against the perpetrator or, where relevant and possible, the institution that failed to protect them as children and, if necessary, have the merits of their case decided by a court."

Fact File

- **Legislation will be drafted for introduction into State Parliament in 2017**

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