




Speech By
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MEMBER FOR MOGGILL

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CIVIL LIABILITY AND OTHER LEGISLATION AMENDMENT BILL

 **Dr ROWAN** (Moggill—LNP) (11.46 am): As the Liberal National Party shadow minister for communities, disability services and seniors, I rise to make a contribution to the debate on the Civil Liability and Other Legislation Amendment Bill. Just over a year ago when I addressed the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers Bill) 2018, I stated at the time—

As elected representatives and as legislators, our responsibility, first and foremost, in this parliament should be to ensure safe and prosperous communities and, as such, deliver a safe and cohesive Queensland.

The passage of that legislation saw Queensland finally join the National Redress Scheme for Institutional Child Sexual Abuse, enabling survivors of institutional child sexual abuse to access the redress they so rightly deserve.

Following this, the legislation that is now before this House, as included in the policy objectives of this bill, seeks to implement the recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse in the *Redress and civil litigation report*. The recommendations made by the commission aim to improve the 'capacity of the justice system to provide fair access and outcomes to survivors of child sexual abuse wishing to pursue a claim for civil damages for personal injury arising from the abuse'. In doing this, the bill includes amendments to the Civil Liability Act 2003 to—

- introduce a reverse onus (applied prospectively) under which an institution must prove it took reasonable steps to prevent the sexual abuse of a child in its care by a person associated with the institution to avoid legal liability for the abuse ... and
- establish a statutory framework for the nomination of a proper defendant by an unincorporated institution to meet any liability incurred by the institution ...

As articulated by my Liberal National Party colleague the shadow Attorney-General and member for Toowoomba South during debate on the bill's second reading in June, the Liberal National Party opposition, while supportive of this legislation, maintained concerns regarding two of the commission's recommendations which at the time had not been implemented. The first of these concerns centred around the liability of institutions only relating to sexual abuse but not physical abuse. It was argued that the bill did not go far enough for many survivors and victims given the narrow definition of 'abuse' to be only sexual, as opposed to all other Australian jurisdictions that define child abuse for the purposes of institutional liability to mean either sexual or physical abuse.

It is worth noting that such limitations and a narrow definition similarly concerned many relevant stakeholders. Having further considered the commission's comments, the definition of abuse which has been adopted by New South Wales and Victoria, and after consultation with victims and advocates, the Liberal National Party foreshadowed that it would seek to extend the definition of abuse to include physical abuse. I am pleased to note that common sense and decency have recently prevailed within the Palaszczuk Labor government. The recent announcement by the Attorney-General and the Minister

for Child Safety, Youth and Women that the definition of abuse will be extended to include serious physical and psychological abuse as well as sexual abuse is welcome news and a major victory for Queensland's survivors of institutional abuse.

This change by Labor, which the Liberal National Party welcomes, is also a real credit to the hard work and tireless efforts of our shadow Attorney-General and his advocacy to ensure Queensland's survivors can seek the justice and redress they rightly deserve. I certainly also acknowledge the previous comments of the Labor Minister for Child Safety, Youth and Women.

The second key concern that the Liberal National Party has with this bill—and is further evidence that the legislation does not go far enough—has been the failure of the Palaszczuk Labor government to adopt the commission's recommendations to introduce a strict non-delegable duty of certain instructions for institutional child sex abuse as outlined by recommendations 89 and 90. These recommendations recommend that the non-delegable duty should apply to institutions that operate relevant facilities or provide relevant services and be owed to children in the care, supervision, control or authority of the institution in relation to that facility or service. By ignoring these significant recommendations, which would see certain institutions strictly liable for the criminal acts committed by those associated within the institution, the Palaszczuk Labor government is failing Queensland's survivors of sexual and physical abuse. That is why the Liberal National Party, having listened, consulted, and taken notice of the legislative efforts and changes of other jurisdictions, will be moving amendments to this legislation. Notwithstanding our concerns with regard to Labor's attitude towards the royal commission's recommendations, the Liberal National Party remains committed to supporting Queensland's survivors of institutional abuse. We know that more needs to be done.

I would like to take this opportunity to acknowledge the work of the royal commission, the staff of the royal commission and all those who appeared. I acknowledge the groundbreaking, incredible work the royal commission undertook during its extensive hearings and associated reporting. As such, through this debate I would also like to raise the issue of the recent inclusion of artwork by a problematic artist in the Margaret Olley exhibition at the Queensland Art Gallery and Gallery of Modern Art. At a time when we have had the Royal Commission into Institutional Responses to Child Sexual Abuse with significant findings and recommendations, including recourse for many victims and those who have suffered significant trauma, I still find it extraordinary that the works of problematic artists—in some cases paedophiles—have recently been displayed and potentially continue to be displayed and supported by publicly funded institutions.

A government member interjected.

Dr ROWAN: I hear the interjection from the minister. I am concerned about any displays of these artists under any circumstances and certainly through publicly funded institutions. Whilst I would like to take the opportunity to acknowledge that the Queensland Art Gallery and Gallery of Modern Art has developed a policy following public outrage and questioning of the Labor arts minister which I undertook through estimates as the Liberal National Party's shadow minister for the arts, I am still deeply concerned about this issue.

On 6 September 2019, the Labor Minister for the Arts answered a question that was asked in relation to any profits that may have come from materials sold or any other moneys and whether these moneys could potentially be handed to child victim organisations. However, the minister's response to recent questions on notice appears to indicate that the Queensland Art Gallery and Gallery of Modern Art received at least \$520,000 in donations and merchandise sales as part of the Margaret Olley exhibition. It would still be my view that the Labor government could consider donating either all or a proportion of some of those funds to child victim support groups. Particularly given the legislation that we are talking about today, the significant issue of child trauma and abuse, and that we are also talking about recourse today for some of those victims, perhaps that can be further considered by the government.

As a doctor and specialist physician who treats patients who have had significant alcohol and drug issues, I can say that many of those people unfortunately have suffered with issues of childhood neglect, trauma or abuse, and that can be a precursor to them developing significant drug and alcohol problems. In this place we all acknowledge that those people need to receive apologies, they need to have recourse and they need compensation. In relation to some of the matters I have raised I would ask that the government further consider—and particularly the Gallery of Modern Art through the minister—whether some of the proceeds from that should be allocated towards child victim support groups.

In conclusion, I would like to thank the Legal Affairs and Community Safety Committee for its investigation of, and report on, this legislation and all stakeholders and submitters who contributed to the committee's consideration. It is an important bill for many people here in Queensland, and I commend the legislation to the House.