

# Addressing Historic Child Abuse

## Removing the Statute of Limitations for victims



The Liberal-led Government is committed to supporting survivors of child abuse in seeking redress against perpetrators and institutions that failed to protect them.

A re-elected Liberal Government will remove the time limit within which victims of child sexual abuse or other serious physical abuse can launch legal action against those responsible.

### Fast Facts

- The current limitation period for victims of child sexual abuse to commence civil action is six years (from the age of 18).
- Western Australia has previously administered two State-based redress schemes – Redress WA and the Country High Schools Hostels Ex Gratia Scheme

### Righting a Wrong

It is widely recognised that survivors of child sexual abuse may take years to acknowledge and disclose the abuse they have suffered.

The Royal Commission into Institutional Responses to Child Sexual Abuse found that survivors of such abuse take an average of 22 years to disclose their abuse after it began.

But under Western Australian laws, by the time many survivors of child sexual abuse are ready and able to commence civil action for the offences committed against them, they are barred from doing so by limitation periods.

Following the introduction of a Bill to State Parliament by Graham Jacobs, Member for Eyre, in 2016, the Liberal-led Government established a sub-committee of State Cabinet to examine this issue chaired by Deputy Premier Liza Harvey.

Following the sub-committee's recommendations, the Government has committed to introducing legislation to completely remove limitation periods for sexual abuse survivors to launch civil action.

These laws will also extend to limitation periods for serious physical abuse. This means changes go beyond the scope of the recommendations of the Royal Commission and recent proposals put to the WA Parliament.

The changes will not preclude victims who have previously received redress payments for abuse experienced as a child from commencing civil action.

Victims who may have previously accepted out of court settlements because the limitation period for taking legal action had expired, will also be able to have these settlements set aside by the court.

There will be no cap placed on the maximum damages that can be awarded to survivors, with the courts to determine amounts.

### Our Commitment

A re-elected Liberal Government will immediately introduce laws to remove limitation periods for victims of child sexual and serious physical abuse to take civil action against perpetrators and institutions.

Through these changes, a Liberal Government will remove a barrier to justice that has been in place for decades.

The new laws 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.



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