

Western Australia

Limitation Amendment (Child Sexual Abuse Actions) Bill 2015

Contents

1.	Short title	2
2.	Commencement	2
3.	Act amended	2
4.	Section 5 amended	2
5.	Section 7A inserted	2
	7A. Special provisions for child sexual abuse actions — no limitation period	2
6.	Section 9 amended	3

Western Australia

LEGISLATIVE ASSEMBLY

(Introduced by Hon Dr Graham Jacobs, MLA)

**Limitation Amendment (Child Sexual Abuse
Actions) Bill 2015**

A Bill for

An Act to amend the *Limitation Act 2005* to provide that there is no limitation period in respect of a civil action that relates to personal injury resulting from child sexual abuse and for related purposes.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Limitation Amendment (Child Sexual Abuse Actions)*
3 *Act 2015*.

4 **2. Commencement**

5 This Act comes into operation as follows —

- 6 (a) sections 1 and 2 — on the day on which this Act
7 receives the Royal Assent;
8 (b) the rest of the Act — on the day after that day.

9 **3. Act amended**

10 This Act amends the *Limitation Act 2005*.

11 **4. Section 5 amended**

12 In section 5(2) delete “section 6.” and insert:

13

14 sections 6 and 7A.

15

16 **5. Section 7A inserted**

17 After section 6 insert:

18

19 **7A. Special provisions for child sexual abuse actions —**
20 **no limitation period**

21 (1) In this section —

22 *child sexual abuse action* means an action on a cause
23 of action relating to a personal injury to a person
24 resulting from an act or omission in relation to the
25 person when the person is a minor that is sexual abuse.

26 (2) Despite anything in this or any other Act, no limitation
27 period applies in respect of a child sexual abuse action.

- 1 (3) The following provisions do not apply in respect of a
2 child sexual abuse action —
- 3 (a) the *Crown Suits Act 1947* section 6 (as applying
4 under the *Limitation Legislation Amendment
5 and Repeal Act 2005* section 8);
- 6 (b) the *Limitation Act 1935* section 47A;
- 7 (c) section 5 of this Act.
- 8 (4) This section applies regardless of —
- 9 (a) when the act or omission occurred; and
- 10 (b) whether any of the following were at any time
11 applicable to the cause of action —
- 12 (i) a limitation period under this or any
13 other Act;
- 14 (ii) a provision referred to in subsection (3).
- 15 (5) Nothing in this section affects the jurisdiction or
16 powers of a court.
17

18 **6. Section 9 amended**

19 In section 9(1) delete “section 28(3) and(5))” and insert:

20
21 sections 7A and 28(3) and (5))
22

23
