



New South Wales

Limitation and Civil Liability Amendment (Permanent Stays) Bill 2024

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Limitation Act 1969* as follows—

- (a) to acknowledge the reasons for removing limitation periods for child abuse claims,
- (b) to require courts to consider certain matters in determining whether to stay proceedings for child abuse claims,
- (c) to remove limitation periods for the appeal of decisions by courts to stay proceedings of claims for child abuse for decisions made on or after 17 March 2016.

The Bill also amends the *Civil Liability Act 2002* to provide additional circumstances in which a court may set aside an agreement preventing an action for child abuse.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Limitation Act 1969 No 31

Schedule 1[1] provides an acknowledgment of the reasons limitation periods for child abuse claims have been removed by the section.

Schedule 1[2] requires a court to consider certain matters when determining to stay proceedings for child abuse claims, including matters referred to by the High Court of Australia in *GLJ v The*

Trustees of the Roman Catholic Church for the Diocese of Lismore [2023] HCA 32. Schedule 1[2] also removes limitation periods for the appeal of decisions by courts to stay proceedings of claims for child abuse for decisions made on or after 17 March 2016, the commencement date of section 6A.

Schedule 1[3] makes a consequential amendment to define terms used.

Schedule 2 Amendment of Civil Liability Act 2002 No 22

Schedule 2[1] includes additional circumstances in which a court may set aside an agreement that occurred before the commencement of this proposed Act that prevents an action for child abuse.

Schedule 2[2] makes a consequential amendment to define terms used.