



Time limits for childhood abuse compensation claims

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Up until 2015, survivors of childhood physical and sexual abuse had three years from the date they turned 18 in which to [bring a claim for compensation](#). The Royal Commission into childhood sexual abuse considered this to be manifestly inadequate and as a result of their recommendations, there is now no time limit (that is, no statute of limitations) for claims arising from sexual abuse, physical abuse or psychological abuse of a minor.

Royal Commission findings and recommendations

Given the complexities surrounding the psychological injuries that arise from childhood sexual abuse, the three-year statute of limitations in place prior to the Royal Commission was grossly inadequate and punitive.

Survivors sometimes do not become aware of the full extent of their injuries until later in life. Finding the courage to talk about what has occurred can be a deeply difficult process that can take an extensive amount of time and support.

The [Royal Commission into Institutional Responses to Childhood Sexual Abuse provided its findings and recommendations](#) in 2015. Some of these recommendations related to the abolition of the statute of limitations for survivors of childhood sexual abuse and included;

1. "State and territory governments should introduce legislation to remove any limitation period that applies to a claim for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context when the person is or was a child.
2. State and territory governments should ensure that the limitation period is removed with retrospective effect and regardless of whether or not a claim was subject to a limitation period in the past.

3. State and territory governments should expressly preserve the relevant courts' existing jurisdictions and powers so that any jurisdiction or power to stay proceedings is not affected by the removal of the limitation period."

Removal of the statute of limitations for survivors of childhood abuse

As a result of these recommendations, Attorney General Martin Pakula introduced the *Limitation of Actions Amendment (Child Abuse) Act 2015* which provides that the statute of limitation laws do not apply to injuries arising from sexual abuse, physical abuse or psychological abuse of a minor.

The abolition of the limitation period for survivors of childhood abuse has seen a significant shift in recognising the need to give survivors greater access to justice, allowing their suffering to be rightly acknowledged and providing survivors with the opportunity to hold the perpetrators to account for the harm they have caused.

From a practical perspective, the abolition of the statute of limitations has allowed survivors of childhood abuse to come forward and seek justice when they are ready and able to do so, with the appropriate support and resources around them.

Some potential barriers still remain for survivors to be aware of

It is important that survivors of childhood sexual abuse are aware, that even though the statute of limitations has been removed, there are still a number of factors which will impact your ability to make a claim.

These include:

1. Who perpetrated the abuse and whether they acted independently or part of a larger organisation or institution;
2. Does the organisation or institution still exist?
3. When did the abuse occur?
4. What evidence is there regarding the abuse and the organisation at the time?
5. How has the abuse affected your life including mental and physical health as well as your capacity to reach your full earning potential?

Even if you don't know the answers to these questions or you're unsure if you are eligible to claim, it's important to seek legal advice. It costs you nothing to find out where you stand.

At Guardian Injury Law we are able to meet with you to take your instructions with a trauma informed approach. We will guide you through the process one step at a time, using plain English and a compassionate approach.

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