

2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Shane Rattenbury)

Civil Law (Wrongs) (Organisational Child Abuse Liability) Amendment Bill 2025

A Bill for

An Act to amend the *Civil Law (Wrongs) Act 2002*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

- 1 **1 Name of Act**
- 2 This Act is the *Civil Law (Wrongs) (Organisational Child Abuse*
- 3 *Liability) Amendment Act 2025*.
- 4 **2 Commencement**
- 5 This Act commences on the day after its notification day.
- 6 *Note* The naming and commencement provisions automatically commence on
- 7 the notification day (see [Legislation Act](#), s 75 (1)).
- 8 **3 Legislation amended**
- 9 This Act amends the [Civil Law \(Wrongs\) Act 2002](#).
- 10 **4 New part 8A.1A**
- 11 *insert*

12 **Part 8A.1A Liability of organisations**

- 13 **114BB Definitions—pt 8A.1A**
- 14 In this part:
- 15 *employee*, of an organisation—see section 114BC.
- 16 *organisation* includes the following:
- 17 (a) an administrative unit;
- 18 (b) a territory authority;
- 19 (c) an unincorporated body.
- 20 *responsible*, for a child—see section 114BD.

1 **114BC Meaning of *employee*—pt 8A.1A**

- 2 (1) In this part:
- 3 *employee*, of an organisation, includes an individual who—
- 4 (a) is akin to an employee of the organisation; or
- 5 (b) is associated with the organisation.
- 6 (2) For this section, an individual is *akin to an employee* of an
- 7 organisation if the individual carries out activities that are—
- 8 (a) a part of the ordinary activities carried out by the organisation;
- 9 and
- 10 (b) for the benefit of the organisation.
- 11 (3) For this section, an individual *associated* with an organisation
- 12 includes—
- 13 (a) an office holder, officer, owner, volunteer or contractor of the
- 14 organisation; and
- 15 (b) if the organisation is a religious organisation—a religious
- 16 leader, such as a priest or minister, or other member of the
- 17 personnel of the organisation, whether or not the individual is
- 18 ordained; and
- 19 (c) an individual, or an individual belonging to a class of
- 20 individuals, prescribed by regulation.
- 21 (4) An individual who is associated with an organisation to which the
- 22 exercise of care, supervision or authority over a child has been
- 23 delegated, in whole or in part, is also taken to be an individual
- 24 associated with the organisation from which the exercise of care,
- 25 supervision or authority was delegated.
- 26 (5) A regulation may prescribe circumstances in which an individual is
- 27 akin to an employee or not akin to an employee.

1 **114BD Organisations that are responsible for child**

- 2 (1) An organisation is *responsible* for a child if it, including any part of
- 3 it, exercises care, supervision or authority over the child.
- 4 (2) If an organisation, including any part of it, delegates the exercise of
- 5 care, supervision or authority over the child to another organisation,
- 6 in whole or in part, each organisation is *responsible* for the child.

7 **114BE Organisations vicariously liable for child abuse**

8 **perpetrated by employees**

- 9 (1) An organisation that is responsible for a child is vicariously liable for
- 10 child abuse perpetrated against the child by an employee of the
- 11 organisation if—
- 12 (a) the apparent performance by the employee of a role in which the
- 13 organisation placed the employee supplies the occasion for the
- 14 perpetration of the child abuse by the employee; and
- 15 (b) the employee takes advantage of the occasion to perpetrate the
- 16 child abuse.
- 17 (2) In determining whether the apparent performance by the employee of
- 18 a role in which the organisation placed the employee supplied the
- 19 occasion for the perpetration of child abuse against a child, a court
- 20 must take into account whether the organisation placed the employee
- 21 in a position in which the employee has one or more of the following:
- 22 (a) authority, power or control over the child;
- 23 (b) the trust of the child;
- 24 (c) the ability to achieve intimacy with the child.
- 25 (3) This section does not affect, and is in addition to, the common law in
- 26 relation to vicarious liability.

5 Definitions—pt 8A.3
Section 114J (1), definition of *abuse settlement*
***agreement*, new paragraph (b) (iii)**

insert

- (iii) happened before the commencement of part 8A.1A, and the child abuse claim involved child abuse by a person who would have been an employee of an organisation if that part had been in force when the agreement was made.

6 New chapter 21

insert

Chapter 21 Transitional—Civil Law
(Wrongs) (Organisational Child
Abuse Liability) Amendment
Act 2025

262 Application of pt 8A.1A

Part 8A.1A applies to proceedings commenced but not finally decided before the day the *Civil Law (Wrongs) (Organisational Child Abuse Liability) Amendment Act 2025*, section 4, commences.

263 Expiry—ch 21

This chapter expires 3 years after the day it commences.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

1	7 Dictionary, new definitions
2	<i>insert</i>
3	employee , of an organisation, for part 8A.1A (Liability of
4	organisations)—see section 114BC.
5	organisation , for part 8A.1A (Liability of organisations)—see
6	section 114BB.
7	responsible , for a child, for part 8A.1A (Liability of organisations)—
8	see section 114BD.

Endnotes

- 1 Presentation speech**
Presentation speech made in the Legislative Assembly on 25 June 2025.
 - 2 Notification**
Notified under the [Legislation Act](#) on 2025.
 - 3 Republications of amended laws**
For the latest republication of amended laws, see www.legislation.act.gov.au.
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