

2026

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Civil Law (Wrongs) Amendment Bill 2026

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Civil Law (Wrongs) Amendment Bill 2026

A Bill for

An Act to amend the *Civil Law (Wrongs) Act 2002*, and for other purposes

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

- 1 **1 Name of Act**
- 2 This Act is the *Civil Law (Wrongs) Amendment Act 2026*.
- 3 **2 Commencement**
- 4 This Act commences on the day after its notification day.
- 5 *Note* The naming and commencement provisions automatically commence on
- 6 the notification day (see [Legislation Act](#), s 75 (1)).
- 7 **3 Legislation amended**
- 8 This Act amends the *Civil Law (Wrongs) Act 2002*.
- 9 *Note* This Act also amends the *Legal Profession Act 2006* (see sch 1).
- 10 **4 Definitions—ch 7A**
- 11 **Section 107A, new definitions**
- 12 *insert*
- 13 *claimant*—see section 107C.
- 14 *consumer claim*—see section 107C.
- 15 **5 Time when child abuse etc happens**
- 16 **Section 114BA**
- 17 *after*
- 18 This chapter
- 19 *insert*
- 20 , other than division 8A.1A.2 (Duty of organisations to prevent child
- 21 abuse),

1 **6 Section 114BA, new note**

2 *insert*

3 *Note* Division 8A.1A.2 applies in relation to child abuse that happens, or is
4 alleged to happen, on or after the day the division commences (see
5 s 114BBB).

6 **7 New division 8A.1A.1 heading**

7 *insert*

8 **Division 8A.1A.1 Preliminary—pt 8A.1A**

9 **8 Definitions—pt 8A.1A**
10 **Section 114BB, definition of *employee***

11 *omit*

12 **9 Section 114BB, definition of *responsible***

13 *omit*

14 section 114BD

15 *substitute*

16 section 114BBA

17 **10 New division 8A.1A.2 etc**

18 *before section 114BC, insert*

19 **Division 8A.1A.2 Duty of organisations to prevent child**
20 **abuse**

21 **114BBB Application—div 8A.1A.2**

22 This division applies in relation to child abuse that happens, or is
23 alleged to happen, on or after the day this division commences.

1 **114BBC Meaning of individual *associated* with organisation—**
2 **div 8A.1A.2**

- 3 (1) For this division, an individual *associated* with an organisation
4 includes—
- 5 (a) an office holder, officer, owner, employee, agent, volunteer or
6 contractor of the organisation; and
- 7 (b) if the organisation is a religious organisation—a religious
8 leader, such as a priest or minister, or other member of the
9 personnel of the organisation, whether or not the individual is
10 ordained; and
- 11 (c) an individual prescribed by regulation.
- 12 (2) A regulation may prescribe circumstances in which an individual is
13 not associated with an organisation.
- 14 (3) If an organisation (the *principal organisation*) delegates, in whole or
15 in part, its responsibility for a child to another organisation
16 (the *delegate organisation*), an individual associated with the
17 delegate organisation is also taken to be associated with the principal
18 organisation.

19 **114BBD Duty of organisations to prevent child abuse**

- 20 (1) This section imposes a duty of care that forms part of a cause of action
21 in negligence.
- 22 (2) An organisation that is responsible for a child must take reasonable
23 precautions to prevent an individual associated with the organisation
24 from perpetrating child abuse against the child in connection with the
25 organisation's responsibility for the child.
- 26 (3) If an individual associated with the organisation perpetrates child
27 abuse against a child in connection with the organisation's
28 responsibility for the child, the organisation is taken to have breached
29 the duty of care unless the organisation establishes that it took
30 reasonable precautions to prevent the child abuse.

- 1 (4) In deciding whether an organisation took reasonable precautions to
2 prevent the child abuse, a court may consider the following:
- 3 (a) the nature of the organisation;
- 4 (b) the resources available to the organisation;
- 5 (c) the relationship between the organisation and the child;
- 6 (d) the position in which the organisation placed the individual,
7 including the extent to which the position gave the individual
8 any of the following:
- 9 (i) authority, power or control over the child;
- 10 (ii) the ability to gain the trust of the child;
- 11 (iii) the ability to achieve intimacy with the child;
- 12 (e) whether the organisation complied with any applicable
13 standards in relation to child safety;
- 14 (f) any other matters prescribed by regulation;
- 15 (g) any other matters the court considers relevant.

16 **Division 8A.1A.3 Vicarious liability of organisations**

17 **11 Section 114BC heading**

18 *substitute*

19 **114BC Meaning of *employee*—div 8A.1A.3**

20 **12 Section 114BC (1)**

21 *omit*

22 part

23 *substitute*

24 division

1 **13 Organisations that are responsible for child**
2 **Section 114BD**

3 *relocate to division 8A.1A.1 as section 114BBA*

4 **14 New part 15.4A**

5 *insert*

6 **Part 15.4A Prohibition on claim farming**

7 **221A Definitions—pt 15.4A**

8 In this part:

9 *associate*, of a law practice—see the *Legal Profession Act 2006*,
10 dictionary.

11 *claim*—

- 12 (a) means a claim (however described) for damages based on a
13 liability for personal injury, whether the liability is based in tort
14 or contract or on another form of action (including breach of
15 statutory duty), and, for a fatal injury, includes a claim for the
16 dead person’s dependants or estate; and
- 17 (b) includes a claim for redress under the National Redress Scheme
18 for Institutional Child Sexual Abuse established under the
19 *National Redress Scheme for Institutional Child Sexual Abuse*
20 *Act 2018* (Cwlth), section 8; but
- 21 (c) does not include a motor accident claim within the meaning of
22 the *Motor Accident Injuries Act 2019*.

23 *claimant* means a person who has or may have a claim.

24 *law practice*—see the *Legal Profession Act 2006*, dictionary.

25 *service* means a service relating to a claim.

1 **221B Contacting claimants about claims**

- 2 (1) A person commits an offence if—
- 3 (a) the person contacts a claimant for the purposes of—
- 4 (i) soliciting or inducing the claimant to make a claim; or
- 5 (ii) referring the claimant to another person (a *third party*) for
- 6 the purposes of the third party providing a service to the
- 7 claimant; and
- 8 (b) the person—
- 9 (i) receives, or agrees or expects to receive, a fee or other
- 10 benefit from any person because of the contact; or
- 11 (ii) asks for someone else to receive, or agrees to someone else
- 12 receiving, a fee or other benefit from any person because
- 13 of the contact.

14 Maximum penalty: 300 penalty units.

- 15 (2) This section does not apply in any of the following circumstances:
- 16 (a) the claimant is contacted in relation to representative
- 17 proceedings (however described);
- 18 (b) the claimant is contacted by an associate of a law practice if—
- 19 (i) the law practice has previously provided legal services to
- 20 the claimant; and
- 21 (ii) the associate reasonably believes the claimant will not
- 22 object to the contact;
- 23 (c) the claimant is contacted by an associate of a law practice if—
- 24 (i) a complying community legal centre or an industrial
- 25 organisation has asked the law practice to contact the
- 26 claimant; and

1 (ii) the complying community legal centre or industrial
2 organisation reasonably believes the claimant will not
3 object to the contact;

4 (d) any other circumstances prescribed by regulation.

5 *Note* The defendant has an evidential burden in relation to the matters
6 mentioned in s (2) (see [Criminal Code](#), s 58).

7 (3) In this section:

8 ***complying community legal centre***—see the [Legal Profession](#)
9 [Act 2006](#), section 208.

10 ***contact*** a claimant includes contact or approach the claimant—

11 (a) in person or by post, telephone, email or another form of
12 electronic communication; and

13 (b) individually or as a member of a class of people.

14 ***industrial organisation*** means an organisation registered under the
15 [Fair Work \(Registered Organisations\) Act 2009](#) (Cwlth) or under a
16 law of a State providing for the registration of industrial
17 organisations.

18 *Note* ***State*** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

19 ***legal services***—see the [Legal Profession Act 2006](#), dictionary.

20 **221C Giving or receiving fee or benefit for claim referrals**

21 (1) A person commits an offence if the person—

22 (a) gives, or agrees to give, a fee or other benefit to someone else
23 for a claim referral; or

24 (b) arranges for someone else to give a fee or other benefit to
25 another person for a claim referral.

26 Maximum penalty: 300 penalty units.

- 1 (2) A person commits an offence if the person—
- 2 (a) receives, or agrees to receive, a fee or other benefit from
- 3 someone else for a claim referral; or
- 4 (b) arranges for someone else to receive a fee or other benefit from
- 5 another person for a claim referral.
- 6 Maximum penalty: 300 penalty units.
- 7 (3) This section does not apply—
- 8 (a) to a claim referral by a law practice acting for the claimant to
- 9 another person (a *third party*) for the purposes of the third party
- 10 providing a service to the claimant; or
- 11 (b) in any other circumstances prescribed by regulation.
- 12 (4) This section does not apply if—
- 13 (a) all or part of a law practice (the *current practice*) is sold to
- 14 another law practice (the *new practice*); and
- 15 (b) the new practice gives or agrees to give, or arranges for someone
- 16 else to give, a fee to the current practice for the claim referral of
- 17 the claimant to the new practice; and
- 18 (c) the amount of the fee is not more than the claimant's current
- 19 legal costs; and
- 20 (d) the claimant consents to the claim referral.
- 21 *Note* The defendant has an evidential burden in relation to the matters
- 22 mentioned in s (3) and s (4) (see [Criminal Code](#), s 58).
- 23 (5) In this section:
- 24 *claim referral*—
- 25 (a) means the referral of a claimant to a person for the purposes of—
- 26 (i) the person providing a service to the claimant; or
- 27 (ii) someone else providing a service to the claimant; and

- 1 (b) includes the disclosure of a claimant’s personal information.
2 **current legal costs**, for a claimant, means the legal costs that—
3 (a) were incurred by the claimant before the sale of the law practice;
4 but
5 (b) have not been included in a bill given to the claimant before the
6 sale.
7 **legal costs**—see the *Legal Profession Act 2006*, dictionary.

8 **221D Exception for advertising law practices**

9 This part does not apply to—

- 10 (a) the advertising, marketing or promotion of a law practice to the
11 public or a group of people; or
12 (b) the giving or receiving of a fee or other benefit relating to
13 advertising, marketing or promotion of a law practice to the
14 public or a group of people.

15 *Note* The defendant has an evidential burden in relation to the matters
16 mentioned in this section (see *Criminal Code*, s 58).

17 **15 Section 262 heading**

18 *substitute*

19 **262 Application of div 8A.1A.3**

20 **16 Section 262**

21 *omit*

22 Part 8A.1A

23 *substitute*

24 Division 8A.1A.3

17 **New chapter 22***insert***Chapter 22** **Transitional—Civil Law
(Wrongs) Amendment Act 2026****264** **Application of claim farming amendments**

- (1) Part 15.4A applies in relation to anything done or omitted to be done on or after the commencement day.
- (2) However, section 221C (Giving or receiving fee or benefit for claim referrals) does not apply to a fee or benefit given or received on or after the commencement day if—
- (a) the fee or benefit was given or received under an existing claim referral agreement; and
- (b) the claim referral was finalised before the commencement day.
- (3) In this section:

commencement day means the day the *Civil Law (Wrongs) Amendment Act 2026*, section 3 commences.

existing claim referral agreement means a written agreement relating to a claim referral that was entered into before the commencement day.

265 **Expiry—ch 22**

This chapter expires 12 months 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 **18 Dictionary, new definitions**

2 *insert*

3 *associate*, of a law practice, for part 15.4A (Prohibition on claim
4 farming)—see the *Legal Profession Act 2006*, dictionary.

5 *associated*, for an individual, for division 8A.1A.2 (Duty of
6 organisations to prevent child abuse)—see section 114BBC.

7 **19 Dictionary, definition of *claim*, new paragraph (c)**

8 *insert*

9 (c) for part 15.4A (Prohibition on claim farming)—see
10 section 221A.

11 **20 Dictionary, definition of *claimant*, new paragraph (c)**

12 *insert*

13 (c) for part 15.4A (Prohibition on claim farming)—see
14 section 221A.

15 **21 Dictionary, definition of *employee***

16 *omit*

17 part 8A.1A (Liability of organisations)

18 *substitute*

19 division 8A.1A.3 (Vicarious liability of organisations)

20 **22 Dictionary, new definition of *law practice***

21 *insert*

22 *law practice*, for part 15.4A (Prohibition on claim farming)—see the
23 *Legal Profession Act 2006*, dictionary.

1 **23 Dictionary, definition of *responsible***

2 *omit*

3 section 114BD

4 *substitute*

5 section 114BBA

6 **24 Dictionary, new definition of *service***

7 *insert*

8 *service*, for part 15.4A (Prohibition on claim farming)—see
9 section 221A.

1 **Schedule 1 Legal Profession Act 2006—**
2 **Consequential amendments**

3 (see s 3)

4 **[1.1] New section 307A**

5 *in division 3.2.8, insert*

6 **307A Legal costs not recoverable if claim farming involved**

- 7 (1) This section applies if a law practice or an associate of a law practice
8 is convicted or found guilty of an offence under the *Civil Law*
9 (*Wrongs*) *Act 2002*, part 15.4A (Prohibition on claim farming).
- 10 (2) The law practice is not entitled to recover any legal costs in relation
11 to the claim to which the conviction or finding of guilt relates.
- 12 (3) The law practice must repay any legal costs received in relation to the
13 claim to the person from whom it was received.

14 *Note* An amount that is required to be repaid under s (3) may be recovered as
15 a debt in a court of competent jurisdiction or the ACAT (see [Legislation](#)
16 [Act](#), s 177).

17 **[1.2] New section 389 (h)**

18 *before the note, insert*

- 19 (h) conduct of an Australian legal practitioner consisting of a
20 contravention of the *Civil Law (Wrongs) Act 2002*, part 15.4A
21 (Prohibition on claim farming).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 17 March 2026.

2 Notification

Notified under the [Legislation Act](#) on 2026.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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