



Submission cover sheet

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

Submission number: 007

Submitter: Children and Young People Commissioner

Date authorised for publication: 13 August 2025

Ms Chiaka Barry, MLA
Chair
Standing Committee on Legal Affairs
Via email to: LACommitteeLegal@parliament.act.gov.au

30 July 2025

Dear Ms Barry,

**Re: Inquiry into the Civil Law (Wrongs) (Organisational Child Abuse Liability)
Amendment Bill 2025**

Thank you for the opportunity to comment on the Civil Law (Wrongs) (Organisational Child Abuse Liability) Amendment Bill 2025 ('Bill'). We write to you in our respective capacities as Commissioners to lend our support to the purpose of the Bill.

Role of the Commissioners

The Children and Young People Commissioner (CYPC) and the Victims of Crime Commissioner (VOCC) are two of eight independent statutory roles that together make up the ACT Human Rights Commission. These roles promote the human rights and welfare of all people living in the ACT and have legislative responsibility for protecting some of Canberra's most vulnerable citizens.

The role of the CYPC is to:

- promote the rights, safety, and wellbeing of children and young people;
- consult and talk with children and young people and promote their participation in decision-making;
- ensure stakeholders listen to and seriously consider the views of children and young people;
- promote implementation of the ACT Child Safe Standards; and
- provide advice to government and community agencies about how to improve services for children and young people.

The role of the VOCC includes to:

- advocate for the interests of victim-survivors;
- monitor and promote compliance with victim-survivor rights;
- consult on and promote reforms to meet the interests of victim-survivors; and
- deliver frontline support services to victims via the Victim Services Scheme (VSS) and the Financial Assistance Scheme (FAS), which operate under the umbrella of 'Victim Support ACT'.

An important step to protect children and young people and recognise organisational responsibility for child abuse

We echo the concerns in the Bill's explanatory statement that the High Court's decision in *Bird v DP (a pseudonym)* [2024] HCA 41 has highlighted significant gaps in the laws meant to protect children and young people and hold organisations responsible for child abuse.

We support legislative reform to enable all victim-survivors to access justice. Holding organisations responsible for harm to children by people who have a relationship with the organisation, which is akin to employment, is important to ensuring organisations take responsibility for harm caused to children abused while accessing their services. Further, access to civil justice for victim-survivors of abuse helps create accountable and safe environments for children and young people in the ACT and recognises the devastating life-long impact of child abuse.

We note the Bill could benefit from more clarity on the scope of entities covered by the definition of "organisation". Currently, the definition makes no express mention of incorporated bodies. We hold concerns because sexual offending can also occur while a perpetrator has a relationship with an incorporated body, that is akin to employment. For example, the sexual offending of Stephen Leonard Mitchell against children and young people occurred, in part, whilst he was associated with incorporated entities as a voluntary athletics and rock-climbing coach. We also draw the Committee's attention to the private members bill before the Victorian Parliament, the Wrongs Amendment (Vicarious Liability) Bill 2025, and its inclusion of "a body corporate established for a public purpose" in its definition of "relevant organisation".

We also request clarification on whether the Bill can be retrospectively applied to previously unsuccessful attempts to hold organisations to account. If a victim-survivor has sought redress from an organisation in the past, but was denied due to the perpetrators relationship with the organisation not being recognised as akin to employment, will they now be able to seek justice under the Bill? Enabling retrospective application of this change would support victim-survivors to access justice.

We also note the consideration of section 11(2) of the *Human Rights Act 2004* (ACT), '*Every child has the right to the protection needed by the child because of being a child, without distinction or discrimination of any kind*'. We support the recognition of the right of children to be afforded the strongest possible protection. Placing children's rights centrally ensures that laws and policies are guided by the best interests of the child and contributes to a more equitable community.

Warm regards,

Jodie Griffiths-Cook
ACT Children and Young People Commissioner
ACT Human Rights Commission

Margie Rowe
Victims of Crime Commissioner
ACT Human Rights Commission