



# Submission cover sheet

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

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Legislative Assembly for the Australian Capital Territory  
Standing Committee on Legal Affairs  
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Submission: Inquiry into Civil Law (Wrongs) (Organisational  
Child Abuse Liability) Amendment Bill 2025

To whom it may concern,

We thank you for the opportunity to provide feedback in relation to the *Civil Law (Wrongs) (Organisational Child Abuse Liability) Amendment Bill 2025*.

As an agency that is focussed on the prevention of sexual harm against children, and the protection of all children in our communities, Bravehearts' focus is on ensuring, first and foremost, that systems and legislation are established to both increase the safety of children and young people (at all levels, primary, secondary, and tertiary level prevention and intervention) and to respond appropriately when harm has been committed.

Wi note that the impetus for the *Civil Law (Wrongs) (Organisational Child Abuse Liability) Amendment Bill 2025* is rooted in recent judicial developments and interstate legislative reforms. Most significantly, the High Court of Australia's decision in *Bird v DP* [2024] HCA 32. In *Bird*, the High Court unanimously held that the extension of vicarious liability to individuals in relationships "akin to employment", such as clergy or volunteers, could not be judicially inferred and must instead be achieved through explicit legislative reform (High Court of Australia, 2024).

Introduced by Shane Rattenbury MLA, we note that the Bill proposes to introduce a statutory duty of care on organisations and expand civil liability for child abuse committed by associated individuals, regardless of their employment status (ACT Legislative Assembly, 2025a).

Bravehearts supports the proposed amendments and believe that the reforms will improve equal access to justice for survivors, regardless of whether abuse was committed by formal employees or individuals acting under organisational authority, such as volunteers, ministry figures, scout leaders, and coaches

### **General Statement**

The Australian Child Maltreatment Study (ACMS) found that almost 1 in 4 Australians experienced one or more types of contact child sexual abuse (23.7%), while almost 1 in 5 experienced non-contact child sexual abuse (18.1%). Almost 1 in 10 (8.7%) Australians experienced forced sex in childhood (Mathews et.al., 2023).

Specifically related to organisational abuse, the ACMS found that 1.1% of Australians reported experiencing child sexual abuse perpetrated by an adult in an institutional or organisational

setting (Mathews et al., 2024). This includes abuse that occurred in religious institutions, educational settings, sporting clubs, and residential care.

Sexual abuse in institutional contexts was more commonly reported by males (1.5%) than females (0.7%) and typically occurred when the child was between 9 and 11 years old. While the prevalence of abuse in organisational settings was lower than in familial contexts, the impacts were nonetheless profound and often compounded by institutional betrayal and a lack of accountability (Mathews et al., 2024).

### **ACT's Proposed Amendment**

The *Civil Law (Wrongs) (Organisational Child Abuse Liability) Amendment Bill 2025* in the Australian Capital Territory (ACT) represents a pivotal legislative reform aimed at addressing significant gaps in the current legal framework concerning institutional liability for child sexual abuse. By expanding the definition of “employee” to encompass those “akin to employees” or otherwise associated with an organisation, the Bill (ACT Legislative Assembly, 2025b) corrects this judicially identified limitation and enables organisations to be held accountable for abuse committed by a wider range of individuals, including volunteers, ministry figures, and other representatives acting under organisational authority.

Beyond addressing the legal constraints highlighted by the High Court, the proposed amendments are critical in enhancing equitable access to justice for survivors of institutional child sexual abuse. The narrow traditional definitions of employment often precluded survivors from pursuing civil claims against organisations when abuse was perpetrated by individuals who were not formal employees, such as coaches, religious leaders, or volunteers. The Bill's broader approach ensures that survivors are no longer denied redress due to technicalities of employment status, thus promoting fairness and facilitating survivor-centred justice outcomes. This reform aligns with the principles set forth in the Royal Commission into Institutional Responses to Child Sexual Abuse, which underscored the importance of legislative mechanisms that effectively hold institutions accountable for the actions of all persons acting under their control (Royal Commission, 2017).

In addition, the Bill modernises the ACT's legislative regime by aligning it with contemporary statutory models adopted in other Australian jurisdictions, most notably New South Wales. These models recognise that child sexual abuse frequently occurs in institutional contexts where perpetrators operate under the organisation's authority without formal employment contracts. The inclusion of unincorporated bodies within the scope of the Bill further broadens the reach of civil liability, ensuring that community groups, clubs, and other informal organisations are subject to appropriate legal accountability. This expansion is particularly significant given that such bodies have historically evaded responsibility due to their lack of corporate status. Together, these amendments incentivise organisations to adopt more rigorous safeguarding policies and promote a culture of transparency and child safety (Mathews et al., 2024; Royal Commission, 2017).

Ultimately, the *Civil Law (Wrongs) (Organisational Child Abuse Liability) Amendment Bill 2025* is an essential reform that not only rectifies a critical legal deficiency but also advances child protection by reinforcing organisational accountability and fostering systemic change. By legislating clearer duties of care and extending liability to a broader array of actors within institutions, the Bill supports ongoing efforts to prevent abuse and ensure that survivors have meaningful pathways to justice.

## Concluding Comments

In summary, Bravehearts supports the proposed amendments in the *Civil Law (Wrongs) (Organisational Child Abuse Liability) Amendment Bill 2025* and considers that the reforms will enhance equitable access to justice for survivors of institutional child sexual abuse, irrespective of whether the abuse was perpetrated by formal employees or by individuals exercising organisational authority, including volunteers, religious leaders, scout leaders, and coaches.

Please contact us on [research@bravehearts.org.au](mailto:research@bravehearts.org.au) should you have any questions relating to our submission.

Kind Regards,

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Director of Research

## References

- ACT Legislative Assembly. (2025a). *Civil Law (Wrongs) (Organisational Child Abuse Liability) Amendment Bill 2025: Explanatory Statement*. Retrieved from [https://www.legislation.act.gov.au/DownloadFile/es/db\\_72791/current/PDF/db\\_72791.PDF](https://www.legislation.act.gov.au/DownloadFile/es/db_72791/current/PDF/db_72791.PDF)
- ACT Legislative Assembly. (2025b). *Civil Law (Wrongs) (Organisational Child Abuse Liability) Amendment Bill 2025*. Retrieved July 2025, from <https://www.legislation.act.gov.au>
- High Court of Australia. (2024). *Bird v DP [2024] HCA 32*.
- Mathews, B., Pacella, R., Dunne, M. P., Simunovic, M., & Turse, N. (2024). *The Australian Child Maltreatment Study: Final Report*. Queensland University of Technology. Retrieved from <https://www.acms.au>.
- Mathews, B., Pacella, R.E., Scott, J.G., Finkelhor, D., Meinck, F., Higgins, D.J., Erskine, H.E., Thomas, H.J., Lawrence, D., Haslam, D.M., Malacova, E., & Dunne, M.P. (2023). The prevalence of child maltreatment in Australia: Findings from a national survey. *Medical Journal of Australia*, 218 (6 Suppl.), S13-S18. doi: 10.5694.mja2.51873
- Royal Commission into Institutional Responses to Child Sexual Abuse. (2017). *Final Report*. Commonwealth of Australia. Retrieved from <https://www.childabuseroyalcommission.gov.au/final-report>