



Submission cover sheet

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

Submission number: 004

Submitter: Canberra Rape Crisis Centre

Date authorised for publication: 13 August 2025

Canberra Rape Crisis Centre Submission: Civil Law (Wrongs) Organisational Child Abuse Liability Amendment Bill



PO Box 3805
Weston Creek ACT 2611

Crisis 02 6247 2525
Business 02 6287 3618

Text Only 0488 586 518
for hearing impaired & SMS messages

www.crcc.org.au
crcc@crcc.org.au
ABN 68 076 467 629

Introduction

The Canberra Rape Crisis Centre (CRCC) welcomes the opportunity to provide a submission to the Legislative Assembly's Standing Committee on Legal Affairs in response to the Civil Law (Wrongs) (Organisational Child Abuse Liability) Amendment Bill 2025. We strongly support the Bill's intent to expand organisational accountability for child sexual abuse and to enable survivors to access civil remedies in circumstances where the abuse was perpetrated by individuals associated with an organisation.

We commend the ACT Government for introducing legislative reforms that align with best-practice principles and Royal Commission's report: *Institutional Responses to Child Sexual Abuse* (Royal Commission, 2017). CRCC believes this Bill represents a crucial step in ensuring that organisations entrusted with the care and supervision of children are held accountable not only for their employees but also for contractors, volunteers and other associated personnel.

About the Canberra Rape Crisis Centre

CRCC is a not for profit organisation and the only specialist organisation working towards eliminating sexual violence in the ACT. We have supported victim-survivors of sexual violence since 1976. Our services are available for any adult or child who has experienced any form of sexual abuse, whether recent or historic.

We provide trauma-informed crisis counselling, advocacy and therapeutic support for people who have experienced sexual violence. Our service is informed by 50 years of practical expertise and deep understanding of how the justice system can have adverse impacts on victim-survivors in their journey of recovery.

Our experience supporting survivors includes those who have experienced institutional child sexual abuse. This places us in a unique position to comment on the Bill's potential to enhance justice, accountability and prevention.

Context and the need for reform

Despite ongoing national and local efforts, many survivors of child sexual abuse in institutional settings continue to face systemic barriers in seeking redress. CRCC supports the Bill's efforts to ensure that organisations cannot avoid liability simply because the perpetrator was not a formal employee of the organisation.

The Royal Commission into Institutional Responses to Child Sexual Abuse found that the misuse of organisational structures and the failure to monitor individuals in positions of authority contributed to widespread abuse (Royal Commission, 2017). It recommended stronger statutory duties and clearer pathways for civil liability.

Victim-survivors supported by CRCC frequently report that institutional abuse was enabled by cultures of silence, power imbalances and failures of care. This Bill addresses those systemic issues by recognising that a wide range of individuals, whether volunteers, religious personnel, or contractors, can perpetrate abuse within organisational settings.

National, State and Territory, and International Developments

National Level

- The decision in *Bird v DP* (2024) was a catalyst for legislative reform on the implication of vicarious liability for non-employment relationships (High Court of Australia, 2024). The case highlighted legal uncertainty surrounding organisational responsibility for individuals who are not formal employees, reinforcing the need for statutory clarification of vicarious liability.
- The National Office for Child Safety, in partnership with National Association of Services Against Sexual Violence (NASASV) and UNSW's Gendered Violence Research Network, released a *Practice Guide for Workers and Organisations Engaging with Victims and Survivors of Child Sexual Abuse*, reinforcing trauma-informed and survivor-centred practices (National Office for Child Safety & NASASV, 2024).
- The *National Strategy to Prevent and Respond to Child Sexual Abuse* (2021–2030) supports reforms aligned with this Bill, including legislative consistency and stronger organisational accountability (Australian Government, 2021).
- In June 2025, the Commonwealth introduced tougher child safety rules for early education, including 24-hour mandatory reporting, stronger digital safety policies and new training requirements (Clare & Walsh, 2025; ACECQA, 2025).
- UNICEF Australia and sector experts have called for a nationally consistent Working With Children Checks (WWCC) system and increased regulatory oversight (UNICEF Australia, 2025).

States and Territories

- Victoria implemented statutory vicarious liability frameworks through the *Wrongs Amendment (Organisational Child Abuse) Act 2017* (Victorian Government, 2017). Reforms codify a duty of care for organisations to take reasonable precautions.
- NSW's *Civil Liability Amendment (Organisational Child Abuse Liability) Act 2018* amendments expanded liability to non-employee perpetrators (NSW Government, 2018).
- In 2025, Victoria introduced the *Wrongs Amendment (Vicarious Liability) Bill* to align with Royal Commission recommendations and modernise organisational responsibility (Victorian Government, 2025).
- A similar Bill in NSW to apply liability retrospectively was negated in June 2025, underscoring the ACT's leadership in progressing this legislation (Parliament of NSW, 2025).

International perspectives

- In Canada, the Supreme Court's decision in *Bazley v Curry* established that non-profit organisations can be vicariously liable where their structure creates the conditions for abuse (Supreme Court of Canada, 1999).
- In the UK, the Catholic Child Welfare Society case confirmed that religious organisations may be liable for individuals who are not formal employees but perform core institutional roles (UK Supreme Court, 2010).
- Internationally, best-practice models such as Barnahus demonstrate the value of multidisciplinary child-centred systems of justice (Council of the Baltic Sea States, 2025).

CRCC's position

CRCC supports the Bill and highlights the following aspects as particularly commendable:

- The inclusion of broad definitions of "employee," encompassing volunteers, religious personnel and others "akin to employees."
- Recognition that organisations delegating responsibility for children retain shared accountability.
- Retrospective application to unresolved claims and unjust settlements is a critical measure for ensuring meaningful access to justice.

These provisions align with contemporary understandings of how abuse occurs within institutions and create clear legal and moral obligations on organisations (Giliker, 2018).

Recommendations

To strengthen the Bill and its implementation, we make the following recommendations:

1. Provide robust implementation guidance for organisations, particularly smaller community groups, to meet their obligations under the amended Act.
2. Establish oversight and compliance mechanisms, potentially drawing on emerging national models for education and care regulation.
3. Integrate trauma-informed justice approaches to support survivors navigating civil proceedings.
4. Ensure alignment with national reforms such as mandatory reporting and Working With Children Checks frameworks.
5. Consider complementary reforms to improve survivor pathways through child-safe, multidisciplinary approaches.

Conclusion

CRCC supports the ACT Government's leadership in progressing this bill. We thank the ACT Greens for introducing the *Civil Law (Wrongs) (Organisational Child Abuse Liability) Amendment Bill 2025* and for their continued commitment in ensuring justice and accountability for survivors of institutional abuse.

We thank the Committee for the opportunity to contribute and are available for further engagement or to appear at a hearing if requested.

References

Australian Government. (2021). [*National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030*](#).

Clare, J., & Walsh, J. (2025). [Tougher child safety rules to help keep children safer in early education](#)

Council of the Baltic Sea States. (2025). [Barnahus Quality Standards](#)

Giliker, P. (2018). [Analysing Institutional Liability for Child Sexual Abuse in England, Wales and Australia: Vicarious Liability, Non-Delegable Duties and Statutory Intervention](#), *The Cambridge Law Journal*. 2018;77(3):506-535.

High Court of Australia (2024). [Bird v DP \(A Pseudonym\) \[2024\] HCA 41](#)

National Association of Services Against Sexual Violence (NASASV). (2021). [Standards of Practice Manual for Services Against Sexual Violence](#) (3rd Ed.)

National Office for Child Safety & NASASV. (2024). [Engaging with Victims and Survivors of Child Sexual Abuse: A Practice Guide for Workers and Organisations](#)

NSW Government. (2018). [Civil Liability Amendment \(Organisational Child Abuse Liability\) Act 2018 \(NSW\)](#)

Parliament of NSW. (2025). [Civil Liability Amendment \(Organisational Child Abuse Liability\) Bill 2025](#)

Royal Commission. (2017). [Final Report - Royal Commission into Institutional Responses to Child Sexual Abuse](#).

Supreme Court of Canada. (1999). [Bazley v Curry \[1999\] 2 SCR 534](#).

UK Supreme Court. (2010). [The Catholic Child Welfare Society and others \(Appellants\) v Various Claimants \(FC\) and The Institute of the Brothers of the Christian Schools and others \(Respondents\) \[2012\] UKSC 56](#).

UNICEF Australia. (2025). [UNICEF Australia calls for coordinated national action following reports of child protection breaches inside childcare and residential systems](#).

Victorian Government. (2017). [Wrongs Amendment \(Organisational Child Abuse\) Act 2017](#).

Victorian Government. (2025). [Wrongs Amendment \(Vicarious Liability\) Bill 2025](#)

Australian Children's Education & Care Quality Authority (ACECQA). (2025). [NQF Child Safety Changes from 1 September 2025 and 1 January 2026](#)