



New South Wales

Civil Liability Amendment (Organisational Child Abuse Liability) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Civil Liability Act 2002* (*the Act*) to—

- (a) extend the duty of care and vicarious liability of organisations in relation to child abuse to child abuse perpetrated before 26 October 2018, and
- (b) permit courts to set aside agreements made before the commencement of the proposed Act that would otherwise prevent legal actions that arise as a result of the duty and liability of organisations being extended from being taken.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Civil Liability Act 2002 No 22

Schedule 1[1] permits the court to set aside an agreement preventing the exercise of an action on a cause of action relating to child abuse for which the limitation period has been removed under the *Limitation Act 1969*, section 6A if—

- (a) the agreement occurred before the commencement of the proposed Act, and
- (b) at the time of the agreement, an organisation would have been liable under the Act, Part 1B, including sections 6F and 6H, if the proposed Act had been in force.

Schedule 1[2] provides a definition for *the amending Act 2025*.

Schedule 1[3] and [4] provides that the Act, section 6F applies in respect of child abuse perpetrated at any time, including before the commencement of the section on 26 October 2018. Section 6F imposes a duty of care, which forms part of a cause of action in negligence, on organisations for child abuse perpetrated by individuals associated with the organisation. Currently, section 6F only applies in respect of child abuse that is perpetrated on or after 26 October 2018.

Schedule 1[5] and [6] provides that the Act, section 6H applies in respect of child abuse perpetrated at any time, including before the commencement of the section on 26 October 2018. Section 6H provides that an organisation is vicariously liable for child abuse perpetrated against a child by an employee of the organisation in certain circumstances. Currently, section 6H only applies in respect of child abuse that is perpetrated on or after 26 October 2018.



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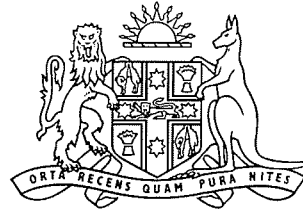
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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Civil Liability Amendment (Organisational Child Abuse Liability) Bill 2025

No. _____, 2025

A Bill for

An Act to amend the *Civil Liability Act 2002* to extend organisational liability for child abuse perpetrated by persons associated with the organisation, and vicarious liability for child abuse perpetrated by employees and persons akin to employees, to child abuse perpetrated before 26 October 2018; and for related purposes.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Civil Liability Amendment (Organisational Child Abuse Liability) Act 2025*.

3

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Civil Liability Act 2002 No 22	1
[1] Section 7C Meaning of “affected agreement”		2
Insert after section 7C(1)(b)—		3
(b1) before the commencement of the amending Act 2025, and at the time of the agreement, an organisation would have been liable under Part 1B for child abuse had the amending Act 2025 been in force, or		4 5 6
[2] Section 7C(3)		7
Insert after section 7C(2)—		8
(3) In this section—		9
<i>the amending Act 2025</i> means the <i>Civil Liability Amendment (Organisational Child Abuse Liability) Act 2025</i> .		10 11
[3] Schedule 1 Savings and transitional provisions		12
Omit “only” from clause 43.		13
[4] Schedule 1, clause 43		14
Omit “after the commencement of that section”.		15
Insert instead “at any time, including before the commencement of that section”.		16
[5] Schedule 1, clause 44		17
Omit “only”.		18
[6] Schedule 1, clause 44		19
Omit “after the commencement of that section”.		20
Insert instead “at any time, including before the commencement of that section”.		21