



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.