23 February 2026

Civil Liability Amendment (Child Sexual Abuse Actions) Bill 2025

The Royal Commission into Institutional Responses to Child Sexual Abuse exposed the profound and enduring harm experienced by victim-survivors of institutional child sexual abuse, as well as the systemic failures that enabled abuse to occur across a wide range of settings. The Western Australian Government has demonstrated a commitment to acting on the Royal Commission's recommendations through ongoing reform.

In this context, the introduction of the *Civil Liability Amendment (Child Sexual Abuse Actions) Bill 2025* is a welcome and important step to respond to the High Court's decision in *Bird v DP*, in relation to religious practitioners. However, the implications of Bird v DP extend well beyond religious institutions.

While the Bill begins to address this gap, it limits the operation of the reforms to religious practitioners. This risks excluding a wide range of institutional and community contexts in which abuse is known to occur and excludes many individuals who perform trusted and influential roles in children's lives. By contrast, Victoria and the Australian Capital Territory have adopted a broader approach, extending liability to persons who are 'akin to an employee' across institutional and community contexts. The Western Australian Bill takes a significantly more limited approach.

Additionally, the recent High Court decision in *AA v Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle (the AA decision)* has had significant impacts on institutional liability by confirming that organisations caring for children owe a non-delegable duty. This decision was handed down after the Bill was drafted, and its interaction with the Bird decision has not yet been fully considered.

Given the combined impact of the AA decision and the narrower approach adopted in this Bill, the Centre for Women's Safety and Wellbeing supports a short committee inquiry to ensure the best possible access to justice for victim-survivors of child sexual abuse.

The Royal Commission found that perpetrators often seek out informal, volunteer, or peripheral roles to gain access to children, and that institutions commonly vest responsibility for children in individuals whose legal status is ambiguous. A legislative response that does not adequately capture these realities risks perpetuating systemic injustice for victim-survivors.

This Bill is a welcome and important development with the potential to deliver significantly important justice for victim-survivors of child sexual abuse. However, it is critical that the reforms are carefully designed to ensure they operate effectively, equitably, and in line with the Royal Commission's findings.

Email
admin@cwsw.org.au

Phone
08 9420 7264

Address
2 Delhi St, West Perth, 6005