



Civil Liability (Holding Institutions Accountable for Child Abuse) Amendment Bill 2026



Queensland

Civil Liability (Holding Institutions Accountable for Child Abuse) Amendment Bill 2026

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2026

A Bill

for

An Act to amend the *Civil Liability Act 2003* to allow institutions to potentially be held vicariously liable for claims for the abuse of children under their care, supervision, control or authority if the abuse is perpetrated by persons not employed by the institutions but in relationships akin to employment by the institutions, and for other particular purposes

	The Parliament of Queensland enacts—	1
Clause 1	Short title	2
	This Act may be cited as the <i>Civil Liability (Holding Institutions Accountable for Child Abuse) Amendment Act 2026</i> .	3 4 5
Clause 2	Act amended	6
	This Act amends the <i>Civil Liability Act 2003</i> .	7
Clause 3	Amendment of s 33A (Definitions for part)	8
	Section 33A, definition <i>associated with</i> , ‘section 33C’—	9
	<i>omit, insert—</i>	10
	sections 33C and 33IB	11
Clause 4	Insertion of new ch 2, pt 2A, div 3A	12
	Chapter 2, part 2A—	13
	<i>insert—</i>	14
	Division 3A Liability of institutions for abuse by persons in relationship akin to employment	15 16 17 18
	33IA Definition for division	19
	In this division, other than section 33IC, a reference to an abuse claim includes a reference to a purported abuse claim mentioned in section 33IC(2).	20 21 22 23

**331B Extension of class of person *associated with*
an institution**

A person is taken to be, or to have been,
associated with an institution under this part if the
person is, or was, in a relationship with the
institution akin to being employed by the
institution.

**331C Declarations about liability of institution for
person akin to employee**

- (1) It is declared that an institution is not prevented
from being held vicariously liable for an abuse
claim arising from the abuse of a child by a person
associated with the institution only because the
person—
- (a) is not employed by the institution; but
- (b) is, instead, in a relationship with the
institution akin to being employed by the
institution.
- (2) It is also declared that an institution has never
been prevented from being held vicariously liable
for a purported abuse claim that arose from the
abuse of a child by a person associated with the
institution only because the person—
- (a) was not employed by the institution; but
- (b) was, instead, in a relationship with the
institution akin to being employed by the
institution.
- (3) To remove any doubt, it is further declared that a
purported abuse claim mentioned in subsection
(2) is taken to be, and always to have been, an
abuse claim under this part.
- (4) Subsections (1) and (2) apply in relation to a cause
of action to which an abuse claim or purported
abuse claim relates whether the cause of action
accrued before or after the commencement.

[s 4]

- (5) However, this section does not apply in relation to a cause of action for an abuse claim or purported abuse claim that was settled before 13 November 2024.

33ID Application of Limitation of Actions Act 1974, section 11A

To remove any doubt, it is declared the *Limitation of Actions Act 1974*, section 11A applies in relation to an action for damages for an abuse claim in relation to which section 33IC applies.

Note—

The *Limitation of Actions Act 1974*, section 11A provides for an action for damages relating to the personal injury of a person resulting from the abuse of the person when the person was a child to be brought at any time and not be subject to a limitation period under an Act or law or rule of law.

33IE Bringing action on previously settled right of action

- (1) This section applies in relation to a right of action for an abuse claim (a *previously settled right of action*) if—
- (a) section 33IC applies in relation to the abuse claim; and
 - (b) the right of action was settled before the commencement but after 12 November 2024.
- (2) An action may be brought on the previously settled right of action if a court sets aside the agreement effecting the settlement under subsection (3).
- (3) A court, by order on application, may set aside the agreement effecting the settlement if the court considers—

	(a) a cause of action for the abuse claim would	1
	have accrued when the agreement was	2
	entered into if section 33IC had been in	3
	force at that time; and	4
	(b) it is just and reasonable to set aside the	5
	agreement.	6
	(4) If a court makes an order under subsection (3)—	7
	(a) the agreement effecting the settlement is	8
	void despite any Act, law or rule of law; and	9
	(b) a party to the agreement may not seek to	10
	recover money paid by, or for, the party	11
	under the agreement.	12
Clause 5	Amendment of s 72A (Application of pt 1A)	13
	Section 72A(4), definition <i>associated with</i> , ‘section 33C’—	14
	<i>omit, insert</i> —	15
	sections 33C and 33IB	16
Clause 6	Amendment of sch 2 (Dictionary)	17
	Schedule 2, definition <i>associated with</i> , ‘section 33C’—	18
	<i>omit, insert</i> —	19
	sections 33C and 33IB	20