



Australian Capital Territory

Civil Law (Wrongs) Amendment Act 2026

A2026-7

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Australian Capital Territory

Civil Law (Wrongs) Amendment Act 2026

A2026-7

An Act to amend the *Civil Law (Wrongs) Act 2002*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Civil Law (Wrongs) Amendment Act 2026*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Civil Law (Wrongs) Act 2002*.

Note This Act also amends the *Legal Profession Act 2006* (see sch 1).

**4 Definitions—ch 7A
Section 107A, new definitions**

insert

claimant—see section 107C.

consumer claim—see section 107C.

**5 Time when child abuse etc happens
Section 114BA**

after

This chapter

insert

, other than division 8A.1A.2 (Duty of organisations to prevent child abuse),

6 Section 114BA, new note

insert

Note Division 8A.1A.2 applies in relation to child abuse that happens, or is alleged to happen, on or after the day the division commences (see s 114BBB).

7 New division 8A.1A.1 heading

insert

Division 8A.1A.1 Preliminary—pt 8A.1A

**8 Definitions—pt 8A.1A
Section 114BB, definition of *employee***

omit

9 Section 114BB, definition of *responsible*

omit

section 114BD

substitute

section 114BBA

10 New division 8A.1A.2 etc

before section 114BC, insert

Division 8A.1A.2 Duty of organisations to prevent child abuse

114BBB Application—div 8A.1A.2

This division applies in relation to child abuse that happens, or is alleged to happen, on or after the day this division commences.

**114BBC Meaning of individual *associated* with organisation—
div 8A.1A.2**

- (1) For this division, an individual *associated* with an organisation includes—
 - (a) an office holder, officer, owner, employee, agent, volunteer or contractor of the organisation; and
 - (b) if the organisation is a religious organisation—a religious leader, such as a priest or minister, or other member of the personnel of the organisation, whether or not the individual is ordained; and
 - (c) an individual prescribed by regulation.
- (2) A regulation may prescribe circumstances in which an individual is not associated with an organisation.
- (3) If an organisation (the *principal organisation*) delegates, in whole or in part, its responsibility for a child to another organisation (the *delegate organisation*), an individual associated with the delegate organisation is also taken to be associated with the principal organisation.

114BBD Duty of organisations to prevent child abuse

- (1) This section imposes a duty of care that forms part of a cause of action in negligence.
- (2) An organisation that is responsible for a child must take reasonable precautions to prevent an individual associated with the organisation from perpetrating child abuse against the child in connection with the organisation's responsibility for the child.
- (3) If an individual associated with the organisation perpetrates child abuse against a child in connection with the organisation's responsibility for the child, the organisation is taken to have breached the duty of care unless the organisation establishes that it took reasonable precautions to prevent the child abuse.

- (4) In deciding whether an organisation took reasonable precautions to prevent the child abuse, a court may consider the following:
- (a) the nature of the organisation;
 - (b) the resources available to the organisation;
 - (c) the relationship between the organisation and the child;
 - (d) the position in which the organisation placed the individual, including the extent to which the position gave the individual any of the following:
 - (i) authority, power or control over the child;
 - (ii) the ability to gain the trust of the child;
 - (iii) the ability to achieve intimacy with the child;
 - (e) whether the organisation complied with any applicable standards in relation to child safety;
 - (f) any other matters prescribed by regulation;
 - (g) any other matters the court considers relevant.

Division 8A.1A.3 Vicarious liability of organisations

11 Section 114BC heading

substitute

114BC Meaning of *employee*—div 8A.1A.3

12 Section 114BC (1)

omit

part

substitute

division

**13 Organisations that are responsible for child
Section 114BD**

relocate to division 8A.1A.1 as section 114BBA

14 New part 15.4A

insert

Part 15.4A Prohibition on claim farming

221A Definitions—pt 15.4A

In this part:

associate, of a law practice—see the *Legal Profession Act 2006*, dictionary.

claim—

- (a) means a claim (however described) for damages based on a liability for personal injury, whether the liability is based in tort or contract or on another form of action (including breach of statutory duty), and, for a fatal injury, includes a claim for the dead person's dependants or estate; and
- (b) includes a claim for redress under the National Redress Scheme for Institutional Child Sexual Abuse established under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cwlth), section 8; but
- (c) does not include a motor accident claim within the meaning of the *Motor Accident Injuries Act 2019*.

claimant means a person who has or may have a claim.

law practice—see the *Legal Profession Act 2006*, dictionary.

service means a service relating to a claim.

221B Contacting claimants about claims

- (1) A person commits an offence if—
 - (a) the person contacts a claimant for the purposes of—
 - (i) soliciting or inducing the claimant to make a claim; or
 - (ii) referring the claimant to another person (a *third party*) for the purposes of the third party providing a service to the claimant; and
 - (b) the person—
 - (i) receives, or agrees or expects to receive, a fee or other benefit from any person because of the contact; or
 - (ii) asks for someone else to receive, or agrees to someone else receiving, a fee or other benefit from any person because of the contact.

Maximum penalty: 300 penalty units.

- (2) This section does not apply in any of the following circumstances:
 - (a) the claimant is contacted in relation to representative proceedings (however described);
 - (b) the claimant is contacted by an associate of a law practice if—
 - (i) the law practice has previously provided legal services to the claimant; and
 - (ii) the associate reasonably believes the claimant will not object to the contact;
 - (c) the claimant is contacted by an associate of a law practice if—
 - (i) a complying community legal centre or an industrial organisation has asked the law practice to contact the claimant; and

(ii) the complying community legal centre or industrial organisation reasonably believes the claimant will not object to the contact;

(d) any other circumstances prescribed by regulation.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

(3) In this section:

complying community legal centre—see the [Legal Profession Act 2006](#), section 208.

contact a claimant includes contact or approach the claimant—

(a) in person or by post, telephone, email or another form of electronic communication; and

(b) individually or as a member of a class of people.

industrial organisation means an organisation registered under the [Fair Work \(Registered Organisations\) Act 2009](#) (Cwlth) or under a law of a State providing for the registration of industrial organisations.

Note ***State*** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

legal services—see the [Legal Profession Act 2006](#), dictionary.

221C Giving or receiving fee or benefit for claim referrals

(1) A person commits an offence if the person—

(a) gives, or agrees to give, a fee or other benefit to someone else for a claim referral; or

(b) arranges for someone else to give a fee or other benefit to another person for a claim referral.

Maximum penalty: 300 penalty units.

-
- (2) A person commits an offence if the person—
- (a) receives, or agrees to receive, a fee or other benefit from someone else for a claim referral; or
 - (b) arranges for someone else to receive a fee or other benefit from another person for a claim referral.

Maximum penalty: 300 penalty units.

- (3) This section does not apply—
- (a) to a claim referral by a law practice acting for the claimant to another person (a *third party*) for the purposes of the third party providing a service to the claimant; or
 - (b) in any other circumstances prescribed by regulation.
- (4) This section does not apply if—
- (a) all or part of a law practice (the *current practice*) is sold to another law practice (the *new practice*); and
 - (b) the new practice gives or agrees to give, or arranges for someone else to give, a fee to the current practice for the claim referral of the claimant to the new practice; and
 - (c) the amount of the fee is not more than the claimant's current legal costs; and
 - (d) the claimant consents to the claim referral.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) and s (4) (see [Criminal Code](#), s 58).

- (5) In this section:
- claim referral*—
- (a) means the referral of a claimant to a person for the purposes of—
 - (i) the person providing a service to the claimant; or
 - (ii) someone else providing a service to the claimant; and

- (b) includes the disclosure of a claimant’s personal information.
- current legal costs**, for a claimant, means the legal costs that—
- (a) were incurred by the claimant before the sale of the law practice; but
 - (b) have not been included in a bill given to the claimant before the sale.

legal costs—see the *Legal Profession Act 2006*, dictionary.

221D Exception for advertising law practices

This part does not apply to—

- (a) the advertising, marketing or promotion of a law practice to the public or a group of people; or
- (b) the giving or receiving of a fee or other benefit relating to advertising, marketing or promotion of a law practice to the public or a group of people.

Note The defendant has an evidential burden in relation to the matters mentioned in this section (see *Criminal Code*, s 58).

15 Section 262 heading

substitute

262 Application of div 8A.1A.3

16 Section 262

omit

Part 8A.1A

substitute

Division 8A.1A.3

17 New chapter 22*insert***Chapter 22 Transitional—Civil Law
(Wrongs) Amendment Act 2026****264 Application of claim farming amendments**

- (1) Part 15.4A applies in relation to anything done or omitted to be done on or after the commencement day.
- (2) However, section 221C (Giving or receiving fee or benefit for claim referrals) does not apply to a fee or benefit given or received on or after the commencement day if—
 - (a) the fee or benefit was given or received under an existing claim referral agreement; and
 - (b) the claim referral was finalised before the commencement day.
- (3) In this section:

commencement day means the day the *Civil Law (Wrongs) Amendment Act 2026*, section 3 commences.

existing claim referral agreement means a written agreement relating to a claim referral that was entered into before the commencement day.

265 Expiry—ch 22

This chapter expires 12 months after the day it commences.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

18 Dictionary, new definitions

insert

associate, of a law practice, for part 15.4A (Prohibition on claim farming)—see the *Legal Profession Act 2006*, dictionary.

associated, for an individual, for division 8A.1A.2 (Duty of organisations to prevent child abuse)—see section 114BBC.

19 Dictionary, definition of *claim*, new paragraph (c)

insert

(c) for part 15.4A (Prohibition on claim farming)—see section 221A.

20 Dictionary, definition of *claimant*, new paragraph (c)

insert

(c) for part 15.4A (Prohibition on claim farming)—see section 221A.

21 Dictionary, definition of *employee*

omit

part 8A.1A (Liability of organisations)

substitute

division 8A.1A.3 (Vicarious liability of organisations)

22 Dictionary, new definition of *law practice*

insert

law practice, for part 15.4A (Prohibition on claim farming)—see the *Legal Profession Act 2006*, dictionary.

23 Dictionary, definition of *responsible*

omit

section 114BD

substitute

section 114BBA

24 Dictionary, new definition of *service*

insert

service, for part 15.4A (Prohibition on claim farming)—see section 221A.

Schedule 1 Legal Profession Act 2006— Consequential amendments

(see s 3)

[1.1] New section 307A

in division 3.2.8, insert

307A Legal costs not recoverable if claim farming involved

- (1) This section applies if a law practice or an associate of a law practice is convicted or found guilty of an offence under the *Civil Law (Wrongs) Act 2002*, part 15.4A (Prohibition on claim farming).
- (2) The law practice is not entitled to recover any legal costs in relation to the claim to which the conviction or finding of guilt relates.
- (3) The law practice must repay any legal costs received in relation to the claim to the person from whom it was received.

Note An amount that is required to be repaid under s (3) may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

[1.2] New section 389 (h)

before the note, insert

- (h) conduct of an Australian legal practitioner consisting of a contravention of the *Civil Law (Wrongs) Act 2002*, part 15.4A (Prohibition on claim farming).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 17 March 2026.

2 Notification

Notified under the [Legislation Act](#) on 15 May 2026.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Civil Law (Wrongs) Amendment Bill 2026, which was passed by the Legislative Assembly on 6 May 2026.

Clerk of the Legislative Assembly

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