1. On 15 November 2018, in response to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse in the *Redress and Civil Litigation Report*, the Attorney-General and Minister for Justice and Leader of the House introduced the Civil Liability and Other Legislation Amendment Bill 2018 (the Bill) into the Legislative Assembly.
2. The Billamends the *Civil Liability Act 2003* to implement a prospective, reverse onus duty on institutions to take all reasonable steps to prevent the sexual abuse of a child by a person associated with the institution while the child is under the care, supervision, control or authority of the institution (reverse onus duty). The Bill also establishes a statutory framework that allows institutions to satisfy liability arising from child sexual abuse out of the assets of an associated trust (associated trust provisions) and, for unincorporated institutions, allows for the nomination of a proper defendant to defend a claim and meet any liability incurred by the institution (proper defendant provisions).
3. The Bill was referred to the Legal Affairs and Community Safety Committee (the Committee). On 28 February 2019, the Committee tabled its report on the Bill and made just one recommendation – that the Bill be passed.
4. Subsequent to the Committee’s consideration of the Bill, a number of amendments were identified: to increase consistency with corresponding interstate legislation; to expand the application of the Bill to provide that, for the purpose of the reverse onus duty, child abuse means child sexual abuse and serious child physical abuse and, for the proper defendant / associated trust provisions, child abuse means child sexual abuse, serious child physical abuse and psychological abuse connected with child sexual abuse or serious child physical abuse; and to remove the limitation periods for commencing a civil action for damages for personal injury resulting from serious child physical abuse and connected abuse in all settings.
5. Cabinet approved that the amendments to the Civil Liability and Other Legislation Amendment Bill 2018 be moved during consideration in detail of the Bill.
6. *Attachments*
* [Civil Liability and Other Legislation Amendment Bill 2018](Attachments/Bill.PDF)
* [Explanatory Notes for the Civil Liability and Other Legislation Amendment Bill 2018](Attachments/ExNotes.PDF)
* [Report No. 29 of the Legal Affairs and Community Safety Committee on the Civil Liability and Other Legislation Amendment Bill 2018](Attachments/Report.PDF)
* [Amendments during consideration in detail of the Civil Liability and Other Legislation Amendment Bill 2018](Attachments/ACiDs.PDF)
* [Explanatory Notes for the amendments during consideration in detail of the Civil Liability and Other Legislation Amendment Bill 2018](Attachments/ExNotesACiDs.PDF)