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'Thunderous applause' as vicarious liability laws pass Victoria's upper house

By Eden Hynninen

ABC Ballarat

Child Sexual Abuse

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Judy Courtin says many victim-survivors can now "have another crack" at suing for compensation. (ABC News: *Che Chorley*)

In short:

The Vicarious Liability Bill passed through Victoria's upper house unopposed yesterday, reversing a High Court decision that found the Catholic Church could not be sued for the actions of a priest.

Lawyer Judy Courtin says it means a priest, Christian brother and possibly a volunteer can now be defined as "akin" or similar to an employee.

What's next?

Dr Courtin says means thousands of victim-survivors now have a chance at their day in court.

Judy Courtin could hear church bells ringing in the distance as she stood outside Victorian parliament with around 50 victim-survivors of clergy abuse.

The group was celebrating a significant milestone yesterday. The state upper house had just passed the Vicarious Liability Act unopposed, effectively reversing a High Court decision that meant churches in Victoria cannot be sued for the actions of one of its priests.

Dr Courtin, a lawyer specialising in justice and accountability for victims of institutional child abuse, said the new law meant a priest, Christian brother and possibly a volunteer could now be defined as "akin" or similar to an employee.



Judy Courtin says victim-survivors can now have their day in court. *(Supplied: Judy Courtin)*

The act has given those victim-survivors another chance at justice.

"It was a very moving day," she said.

"Regardless of the political persuasion of the members of the upper house, there was no ego, there was no disagreement.

"Everybody was focused on the struggles of survivor-victims and their families.

"When it was over, there was a very, very thunderous applause from the entire public gallery."

Second chance at justice

The [High Court decision of DP vs Bird in November 2024](#) meant priests were not considered employees of churches, and therefore churches could not be sued for a priest's actions.

Dr Courtin said about a third of her clients were impacted by that decision, and could no longer proceed with civil claims for compensation in Victoria.

"I estimated [for] a couple of thousand [victims] in Victoria alone, whose claims were dead in the water — there was nowhere to go," she said.

"Quite a few were already well advanced in the litigation process, and they had trial dates listed last year.



DP was sexually abused by Father Bryan Coffey at Port Fairy in Victoria, which is part of the Diocese of Ballarat. (ABC News: Rhiannon Stevens)

"Those people had to settle for a highly compromised amount, an amount for far, far less than what their claim was worth."

Dr Courtin said new legislation allowed victim-survivors who had previously settled as a result of the now over-turned High Court ruling to "have another crack".

In October last year, after [the ACT became the first jurisdiction in Australia to pass legislation](#) expanding the liability of churches, sporting groups and other organisations to include the actions of paedophiles.

'I'm able to find a voice again'

One of Dr Courtin's clients, John, whose name has been changed to protect his privacy, burst into tears when he was told the news.

John said he was abused by notorious paedophile priest Brian Coffey as a child in Westen Victoria.

"It all just comes to the surface," he said.

"For more than 40 years I've pushed it down and tell myself it didn't happen.

"The High Court decision took my voice away. I'm able to find a voice again."

Bishop Paul Bird from the Diocese of Ballarat said he would examine this legislation carefully and consider what it may mean for future legal proceedings in Victoria.

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