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Institutional abuse victims call for closure of legal 'loophole' in Queensland

By Stephen Clarke Law, Crime and Justice

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Diane Carpenter said she was eight years old when she was abused while a ward of the state. (ABC News: Erin Byrnes)

In short:

Queensland's Labor Party will introduce a private member's bill aiming to close a "loophole" preventing some victims of institutional abuse from seeking justice.

It comes after a 2024 High Court decision found the Catholic Church not vicariously liable for abuse perpetrated by one of its priests.

What's next?

The opposition will introduce the private member's bill to parliament this week.

Queensland's Labor opposition will introduce a private member's bill to parliament seeking to close a "loophole" that it says is "protecting paedophiles and the institutions that gave them power".

In 2024, a High Court [decision found the Catholic Church was not vicariously liable for the actions](#) of a paedophile priest because he was not an 'employee'. His work arrangements were only similar to employment.

Since that decision the ACT and Victoria have passed legislation expanding the liability of churches, sporting groups and other organisations to include the actions of paedophiles.

Legislation has also been introduced in Western Australia, but has been delayed after upper house MPs [could not agree on how far the law should reach](#).

Sexual assault support lines:

- [1800 Respect National Helpline](#): 1800 737 732
 - [Men's Referral Service](#): 1300 766 491
 - [Lifeline](#) (24-hour crisis line): 131 114
 - [Victims of Crime Helpline](#): 1800 819 817
 - [Full Stop Australia](#): 1800 385 578
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Diane Carpenter is calling on the Queensland government to follow other states in closing the legal 'loophole.' (ABC News: Erin Byrnes)

Shadow attorney-general Meaghan Scanlon said the Queensland government needed to "stand with victims".

"It's been over a year since this High Court decision and yet the Crisafulli government has failed to do anything," she said.

'Pathway to justice'

Diane Carpenter was a ward of the state from the age of four until she turned 18 in an orphanage near Rockhampton.

She said she was eight years old when she was sexually abused by a priest.

"For all survivors, this is what we want," she said.



Meaghan Scanlon, Val Cooper, Shannon Fentiman and Diane Carpenter. (ABC News: Erin Byrnes)

"What this means to us is that everybody deserves a pathway to justice."

Fellow abuse survivor Val Cooper said she was robbed of her childhood.

"I'm here as an adult. I'm safe, I feel safe. I have choices. As a child, I wasn't," she said.

"I was busy surviving while others were laughing and playing. I carried fear, sadness and responsibilities that were never meant for a child, and that part of me is still there and [it's] tired."

"So when legislation comes along and says 'no', do you know what that does to survivors? It just kills you."

Shadow attorney-general Meaghan Scanlon said Queensland survivors "deserve their day in court".



Val Cooper said her childhood was taken from her through trauma. (ABC News: Erin Byrnes)

"Their trauma isn't different depending on whether the offender was an employee or a priest or a volunteer," she said.

"Their pain is the same, and that institution who put that person in power should be held to account.

Premier David Crisafulli said a [recent High Court ruling](#) "might very well close that loophole".

"Right across the board people have said it needs to be cleared up at a federal level."

