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Tasmania to introduce new vicarious liability laws, child sex abuse survivor and advocate welcomes move



By Meg Whitfield

Child Abuse

Sat 16 May 2026 at 3:58pm



Advocate and victim survivor Steve Fisher, from Beyond Abuse, has welcomed Tasmania's newly proposed vicarious liability laws. (ABC News: Mackenzie Heard)

In short:

The Tasmanian government will introduce new vicarious liability laws, which will make organisations liable for the actions of individuals that aren't formally employed by them.

Victim survivor and advocate Steve Fisher says the legislation is a step forward, and will overcome the hurdle created by a 2024 High Court decision.

What's next?

Tasmanian Attorney General Guy Barnett says the draft legislation will be released in coming weeks.

The Tasmanian government will introduce laws to close a loophole which allows some organisations to avoid being liable for abuse perpetrated by individuals who aren't formal employees, such as priests.

In 2020, the state government amended legislation to expand the scope of liability in child abuse matters.

However, in November 2024, [a High Court decision](#), known as Bird v. DP, meant priests were not considered employees of churches and, therefore, some churches could not be sued for their actions.

The decision affected victim-survivors of child sexual abuse who already had civil cases before court, as well as those yet to bring cases.

On Saturday, Attorney General Guy Barnett said the state government would be introducing legislation to "fix that anomaly" and provide opportunity for victim survivors to take action with respect to child sexual abuse in the past.

"This is something we believe is the right thing to do," Mr Barnett said.

"Tasmania has made that decision to protect and support victim survivor's right to make those claims, where there's a vicarious liability akin to employment.

"That will provide the opportunity for them to take action if they see fit with respect to child sexual abuse in past years."

It follows similar steps being taken in other states and territories, including Victoria — which in February [passed its own Vicarious Liability Bill](#), effectively

reversing the High Court's decision.

Law to apply to 'institutions of any colour or persuasion'

Mr Barnett said the new legislation, which would apply retrospectively, would be guided by consultation that's taken place nationally as well as engagement with victim-survivors, some of which has already occurred.

He said it would apply to "institutions of any colour or persuasion" where child abuse has occurred.

"The justice system will be at work, and there is likely to be some claims in the future," Mr Barnett said.

"We don't know how many, that's a matter for the justice system — but this is all about major law reform, improving our justice system and getting results for the community."



Tasmania's Attorney General Guy Barnett (left) says draft legislation will be released for consultation in the coming weeks. (ABC News: Mackenzie Heard)

Tasmanian victim-survivor, advocate and chief executive of Beyond Abuse, Steve Fisher, said the reform was an important move.

"It needed to happen so people who have been abused by institutions can finally get the compensation they deserve," Mr Fisher said.

He said it would create a "level playing field" for victim-survivors.

"They'll finally get the justice, in monetary terms, that they can," he said.

Mr Fisher said the fact the draft legislation had been developed in consultation with victim-survivors was a necessary element.

"That gives you a unique insight into what abuse survivors battle with every day, and what is needed to help them have the life they were robbed of."

Mr Barnett said the draft legislation would be released for consultation in the coming weeks, with a goal of legislating it in the second half of this year.

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Counselling and support services

- [1800 Respect](#), National counselling helpline: 1800 737 732
- [Bravehearts](#), counselling and support for survivors of child sexual abuse: 1800 272 831
- [Lifeline](#), 24-hour crisis support and suicide prevention: 13 11 14

- [Kids Helpline](#) on 1800 551 800
- [Headspace](#) on 1800 650 890 (children and young people)
- [ReachOut](#) at au.reachout.com (children and young people)

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