

2003

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Civil Law (Wrongs) (Thresholds) Amendment Bill 2003

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(Attorney-General)

Civil Law (Wrongs) (Thresholds) Amendment Bill 2003

A Bill for

An Act to amend the *Civil Law (Wrongs) Act 2002*

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

1 Name of Act

This Act is the *Civil Law (Wrongs) (Thresholds) Amendment Act 2003*.

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*.

4 New section 99A

in part 7.1, insert

99A Damages for non-economic loss—medical claims

(1) This section applies to a claim for damages for personal injury arising out of the provision of a health service by a doctor (other than a claim under the *Workers Compensation Act 1951*).

(2) Damages must not be awarded for non-economic loss unless the assessed non-economic loss is \$12 001 or more.

(3) If the assessed non-economic loss is at least \$12 001 but less than \$20 000, the maximum amount of damages for non-economic loss that may be awarded is the amount worked out as follows:

$$(\text{assessed non-economic loss} - \$12\,000) \times 2.5$$

(4) In this section:

health service—see the *Community and Health Services Complaints Act 1993*, section 4 (1).

1 *non-economic loss*—see section 99 (4).

2 **99B Review of operation of s 99A**

3 (1) The Minister must review the operation of section 99A as soon as
4 practicable after the second anniversary of the commencement of
5 that section.

6 (2) The Minister must present to the Legislative Assembly the report of
7 the review within 6 months after the review begins.

8 (3) This section expires 3 years after the day it commences.

9 **5 Section 224 (2)**

10 *after*

11 non-economic loss)

12 *insert*

13 and section 99A (Damages for non-economic loss—medical claims)

14 **6 New section 225A**

15 *insert*

16 **225A Application provision—for Civil Law (Wrongs)**
17 **(Thresholds) Act 2003**

18 (1) Section 99A (Damages for non-economic loss—medical claims)
19 does not apply to a claim arising out of an accident that happened
20 before the commencement of the section.

21 (2) This section expires 3 years after the day it commences.

22 (3) Subsection (1) is declared to be a law to which the Legislation Act,
23 section 88 (Repeal does not end effect of transitional laws etc)
24 applies.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2003.

2 Notification

Notified under the Legislation Act on 2003.

3 Republications of amended laws

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

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