



ACT DEPARTMENT OF JUSTICE  
& COMMUNITY SAFETY

2002

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

CIVIL LAW (WRONGS) REGULATIONS 2002

SUBORDINATE LAW SL2002-41

EXPLANATORY MEMORANDUM

Circulated by authority of the  
Attorney General  
Mr Jon Stanhope MLA

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**Performance Assessment**

**DUE DATE:**...../...../..... **DATE RECEIVED:**...../...../.....

**SATISFACTORY**  **UNSATISFACTORY**

according to criteria specified in *ACT Government Policy Performance Measures*

**Signature** ..... ..../...../..... **Office of the Chief Minister**

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## **CIVIL LAW (WRONGS) REGULATIONS 2002**

### **SUBORDINATE LAW 2002 NO 41**

#### **Outline**

Chapter 10 of the *Civil Law (Wrongs) Act 2002* (the Act) provides for limits on legal costs in personal injury matters. Section 150 of the Act provides that the limits do not apply if the costs for the claim are covered by an agreement about costs that was entered into before the commencement of the part. The part is scheduled for commencement on 1 January 2003.

It was not intended that Chapter 10 apply to existing claims. However, in its current form, section 150 of the Act applies the limitations to causes of action where the plaintiff is yet to enter into a costs agreement and also where the plaintiff is yet to approach a legal practitioner.

The Civil Law (Wrongs) Regulations 2002 (the Regulations) ensure that chapter 10 of the Act does not apply to a claim based on a cause of action that arose before the commencement of the chapter. This will ensure that chapter 10 of the Act does not have retrospective effect.

The Regulations have been made under section 156 of the Act, which allows regulations to modify the Act where the transitional provisions are inadequate.

#### **Financial Implications**

Nil.

### Clause Notes

**Regulation 1 – Name of regulations** – provides that the regulations are the Civil Law (Wrongs) Regulations 2002.

**Regulation 2 – Commencement** – provides that the regulations commence on the day after their notification day.

**Regulation 3 – Modification of Act, ch 12-Act, s 156** – provides that section 150 of the *Civil Law (Wrongs) Act 2002* is modified by providing that chapter 10 of that Act does not apply to a claim based on a cause of action that arose before the commencement of the chapter. This will ensure that chapter 10 of the Act does not have retrospective effect.

**Regulation 4 – Expiry** – provides that the regulations expire on the expiry of section 156 of the Act. The regulation also clarifies that the expiry of regulation 3 does not change the effect of the regulation.