

2003

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

CIVIL LAW (WRONGS) REGULATIONS 2003

SUBORDINATE LAW 2003 NO 20

EXPLANATORY STATEMENT

Circulated by authority of the
Attorney General
Mr Jon Stanhope MLA

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Outline

Section 129 of the *Civil Law (Wrongs) Act 2003* (the Act) requires market participants (whether offering insurance or insurance-like products such as mutuals) to provide, in relation to the ACT market, annual returns indicating the quantum of premium taken, claims made, claims paid and claims refused. The Act ensures that the commercial information in the reports is given appropriate protection against public disclosure.

The Civil Law (Wrongs) Regulations 2003 (the Regulations) specify the insurance policies that market participants must report on under section 129 of the Act. The reporting requirements are those set by the Australian Prudential Regulation Authority, with the value of claims paid specified for each class of policy. Insurers must also specifically report on professional indemnity insurance, including for doctors. The reporting requirements in the Act are for each financial year and thus these regulations commence on 1 July 2003, with the new financial year.

The Act incorporates the provisions of the *Innkeepers Liability Act 1902*, which limits the liability of innkeepers and accommodation providers. The Act provides for the Regulations to set the limit on accommodation provider's liability. Previously, the Act set this limit at \$40. There are five exceptions to the limitation of liability:

- it does not apply to horses, live animals or gear relating to carriage;
 - it does not apply where the loss or injury to the goods or property is due to an act, default or the neglect of the innkeeper or their employee;
 - it does not apply if the innkeeper has not displayed the required limitation notice;
 - it does not apply to goods and property deposited with the accommodation provider; and
- it does not apply if the accommodation provider refuses to keep the goods in safe custody.

The Regulations provide that the limit of liability is \$40.

Clause Notes

Regulation 1 – Name of regulations – provides that the regulations are the *Civil Law (Wrongs) Regulations 2003*.

Regulation 2 – Commencement – provides that the regulations commence on 1 July 2003.

Regulation 3 – Dictionary – provides that the dictionary is part of the regulations.

Regulation 4 – Notes – provides that the notes included in the regulations are explanatory and do not form part of the regulations.

Regulation 5 – Limitation amount – Act, s76, def of *limitation amount* – provides that for the purposes of section 76 of the Act the limit on accommodation provider's liability is \$40.

Regulation 6 – Insurers reporting requirements – Act, s 129 – provides that for the purposes of section 129 of the Act the reporting requirements are those set by the Australian Prudential Regulation Authority, with the value of claims paid specified for each class of policy. Insurers must also specifically report on professional indemnity insurance, including for doctors. The report must be given in writing.