

FOR MS MARTIN

ORIGINAL PAPER

No. 415  
Laid upon the Table

191 6102

**AMENDMENT TO MOTION – PUBLIC LIABILITY**

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**MS MARTIN**

MADAM SPEAKER, I MOVE THAT ALL WORDS AFTER “THAT” BE OMITTED AND INSERT INSTEAD THE FOLLOWING

THIS PARLIAMENT SUPPORTS THE COMPREHENSIVE PACKAGE OF REFORM MEASURES ANNOUNCED BY THE GOVERNMENT TO TACKLE RISING PUBLIC LIABILITY COSTS IN THE TERRITORY INCLUDING;

1. IMPORTANT LEGAL REFORMS:

- TORT LAW REFORMS – LEGISLATING TO CAP THRESHOLDS FOR GENERAL DAMAGES AND PLACING CAPS ON LOSS OF FUTURE EARNING CAPACITY
- DISCOUNT RATE FOR LOSS OF EARNINGS DAMAGES TO BE SET AT 5%
- PROHIBIT CLAIMS ARISING FROM CRIMINAL ACTIVITY AND TAKING INTO ACCOUNT RECREATIONAL DRUG USE (INCLUDING ALCOHOL) IN COMPENSATION PAYOUTS
- PLACE LIMITS ON CIRCUMSTANCES AND AMOUNT OF DAMAGES ALLOCATED TO FAMILY CARERS

- INTRODUCTION OF COMPULSORY CONFERENCING OR MEDIATION PRIOR TO THE COMMENCEMENT OF COURT

2. ADDITIONAL MEASURES TO MINIMISE THE IMPACT ON ORGANISATIONS INCLUDING;

- LEGISLATION TO EXEMPT VOLUNTEERS FROM ANY THREAT OF PUBLIC LIABILITY ACTION
- LEGISLATION TO IMPLEMENT SOLUTIONS FOR STRUCTURED SETTLEMENTS
- LIMITS ON LEGAL ADVERTISING
- JOINING WITH THE QUEENSLAND GROUPING SCHEME FROM 1 SEPTEMBER 2002 TO PROVIDE ASSISTANCE FOR NOT-FOR-PROFIT AND COMMUNITY GROUPS, DELIVERING ECONOMIES OF SCALE, MORE EFFECTIVE RISK ASSESSMENT AND CLAIMS MANAGEMENT

3. INCLUDES TERRITORY GOVERNMENT SUPPORT FOR A RANGE OF NATIONAL MEASURES INCLUDING:

- ACCC MONITORING OF INSURANCE MARKET AND PREMIUMS,
- EXAMINATION OF LAW OF NEGLIGENCE
- CHANGES TO THE *TRADE PRACTICES ACT* TO ALLOW FOR SELF ASSUMPTION OF RISK, GREATER COLLECTION

AND REPORTING OF DATA FROM INSURANCE  
COMPANIES AND BENCHMARKING CLAIMS AGAINST  
WORLD STANDARDS BY DECEMBER 2002.

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