Attorney-General Dr Peter Toyne today introduced into Parliament the *Personal Injuries (Liabilities and Damages)* Bill developed to curb both the costs of claims for personal injuries and the future rate of growth of claims.

In introducing the Bill Dr Toyne called for public comment on the proposed changes within the Bill, an important piece of legislation in the overall reform of the law of negligence and consequently public liability insurance.

"These measures are designed to provide greater certainty and equity in compensation payouts and in turn improve the availability and affordability of insurance to small businesses, not-for-profit organisations and other sectors of the community hardest hit by the public liability crisis.

"The legislation is an important part of the Government’s overall reform package and reflects changes implemented by several other States or agreed to at various Ministerial Councils.

"There are also elements of this Bill which are consistent with several recommendations of the Ipp Review of the Law of Negligence.

"The Bill includes a cap and imposes thresholds on personal injury compensation claims arising from negligence, other than those already regulated by current schemes such as workers' compensation and the Motor Accidents Compensation (MACA) scheme," Dr Toyne said.

The new Bill includes:

- An indexed cap of $250,000 for general damages (caps will not apply to hospital, medical, nursing and rehabilitation costs).
- A cap on damages for past and future loss of earnings of three times average weekly earnings.
- A minimum threshold for general damages for non-economic loss of $15,000. Amounts below this figure will not be payable for general damages concerning non-economic loss.
- Prohibiting recovery of damages for those persons injured whilst engaged in criminal activity.
- Providing for the taking of recreational drugs and alcohol to be taken into account when assessing a reduction in damages because of contributory negligence.
- Exempting volunteers from being sued where they are acting within the authority of their parent organisation.
- Protecting good Samaritans, who go to the aid of a person in need of emergency assistance.
- Setting standard, commercially realistic interest rates for past damages and discount rates for future losses.
- Tightening the provisions where compensation in payable for voluntary or family carers to circumstances where more than 6 hours care is required per week extending for a period of six months or more.
- Permitting courts to make orders for structured settlements.
- Allowing people, especially doctors and medical professionals to say "sorry" without this being construed by the Courts as an
admission of liability.

Dr Toyne said while these changes will limit compensation, the Government will monitor the impact of the Bill to ensure there is no unfair or unreasonable disadvantage caused by these reforms to those who seek compensation through the legal system.

"The Government believes the proposed legislation strikes a fair balance between the interests of injured people and the interests of the community at large, bearing in mind there is a critical community need to ensure that insurance companies continue to provide this kind of insurance.

"The Government will take account of further community submissions to the Bill and consider further amendments before the Bill is implemented into law," Dr Toyne said.


Comments will be accepted by the Department of Justice or Northern Territory Treasury up until 18 November 2002.