The Government continues to roll out its legislative response to the national public liability crisis with two more bills introduced into Parliament today which aim to curb rising costs and improve the availability and affordability of insurance to small businesses and not-for-profit organisations.

Treasurer Syd Stirling said the new legislative measures provided real solutions to the crisis and had been developed in consultation with stakeholders and the community at large. Parliament today will also debate related bills introduced last year.

"These legislative changes reflect national reforms and are consistent with the Ipp Review of the Law of Negligence," Mr Stirling said.

"These reforms will be welcomed by the business, not-for-profit and insurance sectors across the Territory."

The two new bills address litigation processes and costs issues in personal injury cases.

The **Personal Injuries (Civil Claims) Bill** aims to ensure that all parties resolve as many issues as possible before commencing formal legal proceedings.

To encourage the settlement of claims without the need for litigation, the legislation spells out key obligations, including:

- an obligation of a potential claimant to notify the potential defendant within 12 months of either the injury or the time when the claimant became aware of the injury
- an obligation of the potential defendant to respond to that notice
- an obligation on the parties to attend a conference to try to resolve the claim
- an obligation on both parties to make final offers if they have failed to settle their differences

The **Legal Practitioners Amendment (Costs and Advertising) Bill 2003** is designed to reduce the cost of personal injury claims by:

- placing an obligation on legal practitioners to provide to clients a statement of proposed costs,
- regulating conditional costs agreements, and
- providing for cost agreements to be reviewed by the Law Society and the Supreme Court.

The Bill also restricts advertising by legal practitioners in respect of personal injuries matters.

Legislation to be debated today includes the **Personal Injuries (Liabilities and Damages) Bill** and the **Consumer Affairs and Fair Trading Amendment Bill**.

"The **Personal Injuries (Liabilities and Damages) Bill** aims to reduce the costs of claims for personal injuries and the future growth rate of claims by imposing caps and thresholds, which over time will provide greater certainty and equity in compensation pay-outs."

The Bill includes:
an indexed cap for general damages of $350,000 (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 of 5% for permanent impairment as assessed by medical evidence

- prohibiting damages for people injured whilst committing a criminal offence.

- allowing recreational drugs and alcohol consumption to be taken into account when assessing a reduction in damages because of contributory negligence.

- protecting 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.

- permitting courts to make orders for structured settlements.

- allowing people, especially doctors and medical professionals to say "sorry" without this being construed as an admission of liability.

Mr Stirling said the legislation struck a fair balance between the interests of injured people and the interests of the community at large.

The Consumer Affairs and Fair Trading Amendments provide public liability reform in the area of risky recreational activity.

"The amendments again strike a balance between protecting consumers and giving them room to take responsibility for themselves, while also assisting providers of risky activities in dealing with public liability insurance," he said.

"Under the changes, providers of risky activities can require a participant to waive their right to sue for death or personal injury which might result from undertaking a risky activity.

Service providers will still be obliged to provide a safe service. For example, they will not be excused for deficient equipment or negligent decisions of employers.

"Following public discussion, the Act has been tightened to ensure full disclosure by a service provider to a client of any condition requiring the participant to waive their right to sue."

In addition to legislative reform, the Martin Government has established a public liability hotline and web-site, provided risk management seminars and undertaken changes to Government procurement contracts.

The Territory Government’s merger with the Queensland Grouping Scheme has assisted the not-for-profit and community group sector by delivering economies of scale and more effective risk assessment and claims management.