

TASMANIA

CIVIL LIABILITY AMENDMENT BILL 2004

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CIVIL LIABILITY AMENDMENT BILL 2004

(Brought in by the Minister for Justice and Industrial Relations, the Honourable Judith Louise Jackson)

A BILL FOR

An Act to amend the *Civil Liability Act 2002*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

Short title

1. This Act may be cited as the *Civil Liability Amendment Act 2004*.

Commencement

2. This Act is taken to have commenced on the day on which the *Civil Liability Amendment Act 2003* commenced.

Principal Act

3. In this Act, the *Civil Liability Act 2002** is referred to as the Principal Act.

*No. 54 of 2002

Section 4 amended (Application of Act)

4. Section 4 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “Part 5 applies” and substituting “Part 5 and section 12 apply”;
- (b) by omitting from subsection (2) “before” and substituting “before or after”;
- (c) by inserting the following subsection after subsection (2):

(3) Part 6, other than section 12, and Parts 7, 8, 9, 10 and 11 do not apply to a cause of action accrued before 4 July 2003.

Section 21 amended (Proactive and reactive duty of registered medical practitioner to warn of risk)

5. Section 21(1) of the Principal Act is amended as follows:

- (a) by inserting “following” after “patient the”;
- (b) by omitting “information) –” and substituting “information):”;
- (c) by omitting from paragraph (a) “that” and substituting “information that”;
- (d) by omitting from paragraph (a) “advice; and” and substituting “advice;”;
- (e) by omitting from paragraph (b) “that” and substituting “information that”.