

CLAUSE NOTES

Civil Liability Amendment Bill 2013

- Clause 1:** Short title
- Clause 2:** Commencement
- Clause 3:** Principal Act
- Clause 4:** Adds new Part 5A (Provisional Damages) to the list of Parts which do apply to an injury to which Part III of the *Motor Accidents (Liabilities and Compensation) Act 1973* applies.
- Clause 5:** Inserts transitional provisions in section 4 in relation to the amendments inserted by the Bill.
- Clause 6:** Inserts a provision stating that the Act binds the Crown.
- Clause 7:** Inserts a new Part 5A which provides for an award of provisional damages in an action in respect of an asbestos-related disease where a it is proved or admitted that the plaintiff may in the future develop another asbestos-related disease. An award of provisional damages will allow the plaintiff to be awarded further damages in the future if he or she develops another asbestos-related disease.
- Clause 8:** Inserts a new subsection in section 28 to clarify that “other courts” includes a court in any Australian jurisdiction.

- Clause 9:** Inserts a new section 28BA which provides for an award of damages for the loss of capacity to provide gratuitous services to another person. The new section also limits when such damages may be recovered and the amount that may be awarded.
- Clause 10:** Amends section 28C to include damages for the loss of capacity to provide gratuitous services to another person.
- Clause 11:** Provides for the future repeal of the amending Act.