



INTERNATIONAL COMMISSION OF JURISTS

AUSTRALIAN SECTION

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MEDIA RELEASE CIVIL LIABILITY BILL 2002

The International Commission of Jurists (Australian Section) (ICJ) today expressed concern over the proposed retrospective operation of the Civil Liability Bill currently being debated in the NSW Parliament.

The Bill, if passed, will impose minimum thresholds which remove the right to compensation for less serious injuries, and will place various limitations and caps on damages to be awarded in serious injury cases.

The ICJ expresses no opinion on the substance of the proposals, but rather raises its concern over the Government's plan to retrospectively remove the rights of people already injured in the State.

David Bitel, Secretary-General of ICJ in Australia said, "Our concern is that people who have already been injured by someone's negligence, and who thought they had plenty of time to lodge a claim against the person at fault, now find that unless they started Court proceedings before 20 March 2002, their rights to compensation will be removed."

The ICJ has become increasingly concerned over the way that Government legislation is introduced into the NSW and other Parliaments in Australia with little or no meaningful community consultation, or with retrospective operation seriously affecting people's substantive rights.

"It is all well and good to make policy decisions about the future of negligence law, but to retrospectively remove rights already enjoyed by people amounts to legislation by ambush, and the people mostly affected by the proposals are injured and disabled people who, for whatever reason, did not rush to the Court's door to sue somebody," said Mr Bitel.

The International Commission of Jurists (Australian Section) called on NSW Parliamentarians to amend the Bill so that the changes to negligence law in the State take effect from the day that the Bill is passed by the Parliament and assented to by the Governor, in accordance with established principles of law.

For further comment and information, please contact David Bitel, Secretary-General, International Commission of Jurists, Australian Section, on (02) 9286 8700 (work).