



Speech by

**JULIE ATTWOOD**

**Member for MOUNT OMMANEY**

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Hansard 28 October 2003

**JUSTICE AND OTHER LEGISLATION AMENDMENT BILL**

**Mrs ATTWOOD** (Mount Ommaney—ALP) (3.42 p.m.): I rise today in support of the Justice and Other Legislation Amendment Bill 2003. The primary objective of the bill is to provide for amendments to a range of statutes administered by the Department of Justice and Attorney-General and by a range of other departments. Many ministers are responsible for a vast array of legislation which must be constantly updated. For example, the Attorney-General is responsible for the administration of over 100 statutes. As a result there is a necessity for a large number of minor or technical amendments to be regularly made to various legislative provisions. To ensure this occurs an annual Justice Legislation Amendment Bill is prepared so that minor or technical amendments can be effected through one statute. This ensures that much-needed statutory reform is not delayed and that the time of the parliament is not wasted on dealing with a number of minor statutory amendments.

The majority of the amendments contained in this bill have several fundamental issues in common: the amendments, by and large, relate to statutes administered by the Attorney-General and Minister for Justice; and the amendments do not modify the major underlying policy or direction of the statutes that are being amended. The bill amends 25 acts including the Civil Liability Act 2003, Legislative Standards Act 1992, Personal Injuries Proceedings Act 2002 and Supreme Court of Queensland Act 1991.

Although the bulk of the proposed amendments are minor, there are a number of significant amendments such as the amendment to the Civil Liability Act 2003. Wide consultation has been undertaken with the officers of the relevant government departments and agencies and comments have generally been included in the bill.

There is complete support for all the amendments except for the amendment to the Civil Liability Act 2003. The Australian Plaintiff Lawyers Association does not support the removal of the ability to claim damages for the costs of raising a child. I would like to comment on this by objection as it results, I believe, from an important amendment to the Civil Liability Act 2003 in response to the recent ruling of the High Court regarding a failed sterilisation. This case created new law as the High Court ruled that a medical practitioner may be liable for the costs of raising a healthy born child as a result of negligently performed sterilisation procedures. This High Court decision has cast doubt on the future of medical sterilisations in Queensland. It has exposed medical practitioners who perform sterilisations to an indeterminate liability in relation to any claim for costs associated with raising a child. The High Court ruling could potentially unravel the benefit of the historic reforms contained in the existing Personal Injuries Proceedings Act 2002 and the Civil Liability Act.

These groundbreaking legislative changes by the Beattie government provided a rational approach to the way our courts make awards for personal injuries compensation payouts. They removed excuses for profit-driven insurance companies to charge exorbitant premiums. I bet that the storms from the weekend will also be used as an excuse to increase premiums.

Since the High Court ruling some high profile doctors from across the state have claimed that they will have no choice but to stop conducting medical sterilisations because of the likely massive jump in their insurance premiums. The Beattie government should not stand by and allow these important medical services to disappear, and we will not.

The proposed amendments to the Civil Liability Act will restore legitimacy to the process and provide certainty for doctors involved in this area. The bill will allow a limit to the level of compensation

while eliminating claims for the costs of raising a healthy child. This will not exclude claims for the expense of raising, for example, a disabled child above what could be considered ordinary financial costs. The bill provides an appropriate limit and safeguard against excessive claims that may be made. This amendment to the Civil Liability Act will ensure the ongoing availability of sterilisation services and family planning advice. I should point out that this amendment does not restrict the ability of a parent to sue for a negligently performed sterilisation procedure. It merely restricts the extent of damages which may be awarded in that circumstance. This amendment will not be retrospective.

With so many amendments to 25 acts, it would not be appropriate to undervalue the volume of work the minister and his officers are compiling with these necessary changes. I congratulate the minister and his staff for their efforts, and I commend the bill to the House.