

2005

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mrs Vicki Dunne)

Civil Law (Wrongs) Amendment Bill 2005

A Bill for

An Act to amend the *Civil Law (Wrongs) Act 2002*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Civil Law (Wrongs) Amendment Act 2005*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

5 *Note* The naming and commencement provisions automatically commence on
6 the notification day (see Legislation Act, s 75 (1)).

7 **3 Legislation amended**

8 This Act amends the *Civil Law (Wrongs) Act 2002*.

9 **4 New part 7.1A**

10 *insert*

11 **Part 7.1A Damages for cost of raising child**

12 **99A Application of pt 7.1A**

13 This part applies to all claims for damages for the birth of a child
14 whether the claim is brought in tort, in contract, under statute or
15 otherwise.

16 **99B Limitation on damages for cost of raising child**

- 17 (1) In a proceeding involving a claim for damages for the birth of a
18 child, damages must not be awarded for economic loss for the costs
19 associated with rearing and maintaining the child.
- 20 (2) However, if the child has a physical or mental disability, this section
21 does not prevent the recovery of any additional costs associated with
22 rearing or maintaining the child that arise because of the disability.

1 **5 New section 226**

2 *insert*

3 **226 Application provision for pt 7.1A**

- 4 (1) Part 7.1A (Damages for cost of raising child) does not apply to a
5 claim based on a cause of action that arose before the
6 commencement of the part.
- 7 (2) This section expires 1 year after it commences.
- 8 (3) This section is declared to be a law to which the Legislation Act,
9 section 88 (Repeal does not end effect of transitional laws etc)
10 applies.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2005.

2 Notification

Notified under the Legislation Act on 2005.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
