

2002

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Urban Services)

Civil Law (Wrongs) Amendment Bill 2002

A Bill for

An Act to amend the *Civil Law (Wrongs) Act 2002*, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Civil Law (Wrongs) Amendment Act 2002*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.
6

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2 **Part 2** **Civil Law (Wrongs) Act 2002**

3 **3 Act amended**

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

5 **4 New part 3.3**

6 *insert*

7 **Part 3.3** **Temporary exclusion of** 8 **liability for** 9 **terrorism-associated risks**

10 **31A Meaning of *act of terrorism* for pt 3.3**

11 (1) In this part:

12 *act of terrorism* means the use or threat of action if—

- 13 (a) the action falls within subsection (2); and
- 14 (b) the use or threat is designed to influence a government or to
- 15 intimidate the public or a section of the public; and
- 16 (c) the use or threat is made for the purpose of advancing a
- 17 political, religious or ideological cause.

18 (2) Action falls within this subsection if it—

- 19 (a) involves serious violence against a person; or
- 20 (b) involves serious damage to property; or
- 21 (c) endangers a person's life, other than that of the person
- 22 committing the action; or
- 23 (d) creates a serious risk to the health or safety of the public or a
- 24 section of the public; or

Section 4

1 (e) is designed seriously to interfere with or seriously to disrupt an
2 electronic system.

3 (3) The use or threat of action falling within subsection (2) that involves
4 the use of firearms or explosives is terrorism whether or not
5 subsection (1) (b) is satisfied.

6 (4) In this section:

7 *action* includes action outside the ACT or Australia.

8 *government* includes the government of another Australian
9 jurisdiction or a foreign country.

10 *person* means a person anywhere, whether in or outside the ACT or
11 Australia.

12 *property* means property located anywhere, whether in or outside
13 the ACT or Australia.

14 *public* includes the public of a place outside the ACT or Australia.

15 **31B Limitation of liability for acts of terrorism**

16 (1) There is no right of action for death or injury (or both) arising out of
17 the use of a motor vehicle if the death or injury (or both) are caused
18 by an act of terrorism committed before 1 October 2004.

19 (2) Subsection (1) does not remove the liability—

20 (a) of someone who commits or promotes the act of terrorism; or

21 (b) of an employer to pay compensation under the *Workers*
22 *Compensation Act 1951* (or any corresponding law of the
23 Commonwealth, a State or another Territory) to a worker.

24 (3) This section applies despite the *Road Transport (General) Act 1999*,
25 section 169 (1) (Indemnification of insured persons).

26 **31C Expiry of pt 3.3**

27 This part expires on 31 December 2004.

1 **Part 3** **Road Transport (General) Act**
2 **1999**

3 **5 Act amended**

4 This part amends the *Road Transport (General) Act 1999*.

5 **6 Sections 171 and 180 (1), new note**

6 *insert*

7 *Note* The *Civil Law (Wrongs) Act 2002*, pt 3.3 abolishes liability for death or
8 injury caused by acts of terrorism if the death or injury arises out of the
9 use of a motor vehicle and the act of terrorism is committed
10 before 1 October 2004.

11 **7 New section 236**

12 *insert*

13 **236 Expiry of certain notes**

14 This section and the notes to sections 171 and 180 (1) expire
15 on 31 December 2004.

Endnote

Republications of amended laws

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