

LEGISLATIVE COUNCIL

Civil Liability Amendment (Personal Responsibility) Bill

Schedule of the amendments agreed to in Committee of the Whole
on Tuesday 19 November 2002.

- Govt** No. 1 Page 5, Schedule 1 [1], proposed section 5D (2), lines 10-15. Omit all words on those lines. Insert instead:
- (2) In determining in an exceptional case, in accordance with established principles, whether negligence that cannot be established as a necessary condition of the occurrence of harm should be accepted as establishing factual causation, the court is to consider (amongst other relevant things) whether or not and why responsibility for the harm should be imposed on the negligent party.
- Govt** No. 2 Pages 11 and 12, Schedule 1 [1], proposed section 5Q (1) and (2), line 26 on page 11 to line 3 on page 12. Omit all words on those lines. Insert instead:
- (1) The extent of liability in tort of a person (*the defendant*) for breach of a non-delegable duty to ensure that reasonable care is taken by a person in the carrying out of any work or task delegated or otherwise entrusted to the person by the defendant is to be determined as if the liability were the vicarious liability of the defendant for the negligence of the person in connection with the performance of the work or task.
- Govt** No. 3 Page 23, Schedule 1 [5], proposed section 45. Insert after line 20:
- (2) This section does not operate:
- (a) to create a duty of care in respect of a risk merely because a roads authority has actual knowledge of the risk, or
- (b) to affect any standard of care that would otherwise be applicable in respect of a risk.

AD

No. 4

Page 34, Schedule 2 [3], proposed section 3B. Insert after line 14:

- (c) civil liability relating to an award of personal injury damages (within the meaning of Part 2) where the injury or death concerned resulted from smoking or other use of tobacco products - the whole Act,