

Civil Liability Amendment (Mental Illness) Bill 2003

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Civil Liability Act 2002* to provide that section 54 (Criminals not to be awarded damages) of that Act:

(a) extends to criminal conduct of a person who because of mental illness is not guilty of an offence in respect of that criminal conduct (or unfit to be tried for the offence), and

(b) is backdated to cover civil proceedings commenced before the commencement of the section, but limited (in the case of proceedings commenced before 3 September 2002) to decisions in proceedings (including appeal proceedings) made after notice of motion for this Bill was given.

Currently section 54 is limited to proceedings commenced on or after 3 September 2002.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act to be backdated to when notice of motion for this Bill was given.

Clause 3 is a formal provision that gives effect to the amendments to the *Civil Liability Act 2002* set out in Schedule 1.

Schedule 1 contains the amendments described in the overview above.