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**Australian Civil Liability Guide**



12th edition

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NB: Due to the extensive nature of this publication and the pace of reforms and judicial consideration there may be an absence of reference to a recent case or some references to legislation and its provisions which are no longer current, yet proclaimed, amended or repealed. This publication attempts to draw out the most significant points in the relevant legislation. Whilst all care has been taken to ensure that the most up to date information has been included, not all cases or aspects of the legislation have been considered. The material contained in this publication is in the nature of general comment only, and neither purports nor is intended to be advice on any particular matter. No reader should act on the basis of any matter contained in this publication without considering and, if necessary, taking appropriate professional advice upon his or her own particular circumstance.

Carter Newell acknowledges and thanks past employees who contributed to this guide.

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# Australian Civil Liability Guide

## 12th Edition

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## PREVIOUS ENDORSEMENT

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Carter Newell Lawyers are to be commended for their publication '*Australian Civil Liability Guide*'. The legislation that, since 2002, has reformed tort law in Australia has created a maze. The tangled web of statutory provisions has been made even more complex by the judgments of courts in every jurisdiction that have tried to apply and clarify the various provisions that have fallen for decision.

One of the most time-consuming problems for lawyers who have to grapple with the subtleties of the legislation involved is the difficulty in finding the relevant material. This may comprise the legislation applicable, the cases that have considered the particular issue, similar legislation in other jurisdictions, and relevant cases in those jurisdictions.

Carter Newell's publication enables one, quickly, to undertake the desired research simply and efficiently. The material is comprehensive and well-organised. The legislation is sensibly divided into different categories annotated with cases and commentary. Each category deals separately with each State and Territory. The language used is clear and direct. The time and trouble that has been taken in the production of the guide is obvious. Its quality as a reference work speaks for itself. It is an extremely helpful tool for any tort lawyer, whether practitioner or academic, and for any person who is interested in the changes to Australian tort law that have occurred since 2002.

### **The Honourable David A Ipp AO QC**

Insurance law was the first area of law I knew and when I started there were no publications such as this 9th edition *Australian Civil Liability Guide*. The State by State break down highlighting the effects of the tort reform introduced in 2002; the cases reviewed, interpretation and assessment of heads of damage clearly demonstrate an excellent understanding of this area of law by the team at Carter Newell Lawyers. This publication is a great resource and a fine example of why I have always felt at home in the family of insurance lawyers.

### **The Honourable Michael Kirby AC CMG**

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LIST OF ABBREVIATIONS

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- ASIC Act (Cth)** means the *Australian Securities and Investments Commission Act 2001* (Cth)
- CCA (Cth)** means the *Competition and Consumer Act 2010* (Cth)
- CLA (NSW)** means the *Civil Liability Act 2002* (NSW)
- CLA (Qld)** means the *Civil Liability Act 2003* (Qld)
- CLA (SA)** means the *Civil Liability Act 1936* (SA)
- CLA (Tas)** means the *Civil Liability Act 2002* (Tas)
- CLA (WA)** means the *Civil Liability Act 2002* (WA)
- CLR (Qld)** means the *Civil Liability Regulations 2014* (Qld)
- CLWA (ACT)** means the *Civil Law (Wrongs) Act 2002* (ACT)
- Commonwealth Acts** means the *Australian Securities and Investments Commission Act 2001* (Cth), *Competition and Consumer Act 2010* (Cth) and *Corporations Act 2001* (Cth)
- Corps Act (Cth)** means the *Corporations Act 2001* (Cth)
- CPA (Vic)** means the *Civil Procedure Act 2010* (Vic)
- LA (Tas)** means the *Limitation Act 1974* (Tas)
- LAA (Qld)** means the *Limitation of Actions Act 1974* (Qld)
- LAA (SA)** means the *Limitation of Actions Act 1936* (SA)
- RTWA (SA)** means the *Return to Work Act 2014* (SA)
- PICCA (NT)** means the *Personal Injuries (Civil Claims) Act 2003* (NT)
- PILDA (NT)** means the *Personal Injuries (Liability and Damages) Act 2003* (NT)
- PIPA (Qld)** means the *Personal Injuries Proceedings Act 2002* (Qld)
- TPA (Cth)** means the *Trade Practices Act 1974* (Cth)
- UCR (SA)** means the *Uniform Civil Rules 2020* (SA)
- UCPR (Qld)** means the *Uniform Civil Procedure Rules 1999* (Qld)
- Wrongs Act (Vic)** means the *Wrongs Act 1958* (Vic)

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