

Australian Medical Association Limited

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AMA

The Secretary
Senate Economics Legislation Committee
Room SG.64
Parliament House
CANBERRA ACT 2600

Dear Sir

Trade Practices Amendment (Personal Injuries and Death) Bill 2003

Thank you for your invitation of the 1 July 2003 for the AMA to make a submission on the above Bill.

The AMA's members have a vested interest in seeing extensive and effective State and Territory based tort law reform to ensure a downward pressure on premiums which will in turn assist in providing the community with access to affordable quality health care.

The purpose of the Trade Practices Amendment (Personal Injuries and Death) Bill 2003 is to prevent individuals bringing actions for damages or personal injury and death and to remove the Australian Competition and Consumer Commission's power to bring representative actions for damages for personal injury and death so that State and Territory based tort law reform is not negated by similar actions being taken for damages under the Trade Practices Act.

The AMA therefore supports the amendments as being necessary to complement the objects of the State and Territories tort law reform packages.

The proposed amendments do not unfairly restrict or remove individuals rights, but instead ensure that individuals pursue their legal actions for damages for personal injury or death under the common law tort system.

The amendments to the Trade Practices Act will complete the legislative reform taken co-operatively by Federal, State and Territory Governments in relation to public and professional liability claims. This is necessary if the community is to retain the benefit of a range of facilities and services including general access to affordable medical services.

Yours sincerely

Pamela Burton
Legal Counsel