

Hilary Little
Acting Senior Manager,
Civil Law Policy; Courts, Civil and Criminal Law
Department of Justice and Community Safety

28 November 2024

By email

Dear Ms Little,

REMAKE OF THE *WRONGS (PART VBA CLAIMS) REGULATIONS 2015*

I am writing to you as **Victoria Branch Committee President of the Australian Lawyers Alliance (ALA)**. The ALA is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.

The ALA Victoria Branch Committee has reviewed the *Wrongs (Part VBA Claims) Regulations 2015* ('the Regulations'), which are noted to expire on 4 May 2025, and we welcome the opportunity offered by the Department of Justice and Community Safety (DJCS) to provide feedback on new regulations.

The ALA considers that no significant changes are required to the Regulations substantively. We consider that the Regulations operate well and are fit for purpose.

However, the ALA submits the following two changes to more effectively streamline the operation of Form 4 – that is, the Claimant Prescribed Information Form:

1. Under paragraphs 4 and 5 of Form 4, the Respondent's details are required (para 4) and then immediately after that the details of any additional Respondents (para 5). In matters where there are multiple Respondents, which occurs in both public/occupiers liability and medical negligence claims and which occurs in a significant number of matters, multiple forms are required to be prepared. It is suggested that Form 4 be amended to simply require all Respondents to be named as the Respondents on the one form, so that the one form can be served on all Respondents.

2. Under para 7 of Form 4, there is often overlap between the 'categories of loss' in the three sub-paragraphs for pain and suffering, loss of amenity of life and loss of enjoyment of life. There is no legal basis for the separate categories since the sub-paragraphs describe aspects of the claimant's loss which all fall under the one head of damage – that is, general or non-economic loss damages. The ALA submits that there simply be one heading for this paragraph: 'Pain, suffering and loss of enjoyment and amenity of life' (or similar).

Thank you for DJCS' and your attention on these important matters. Please do let me know if the ALA can be of further assistance, in which case please direct correspondence to Elenore Levi, Policy and Advocacy Manager, Australian Lawyers Alliance, at elenore@lawyersalliance.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Susan Accary', written in a cursive style.

Susan Accary
President, Victoria Branch Committee
Australian Lawyers Alliance