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# Guest Managing Editor's note

It has been a tumultuous year in 2002 for the regime of civil liability in Australia. Driven by an insurance 'crisis', of dubious and contentious origin, civil liability in a wide range of situations has come under scrutiny by both federal and state governments.

In April 2002, Chief Justice Spigelman, Chief Justice of New South Wales, in a widely quoted address to the Judicial Conference of Australia entitled 'Negligence: The Last Outpost of the Welfare State' identified a range of tort common law principles and statutory provisions which could be reviewed with a view to reigning in civil liability for damages. However, he concluded his address with the following passage:

'Not all of the matters ...can properly be attended to in a short time span. What appears to be required is a longer term process of systematically reviewing a range of options, broader than the specific items that I have identified on this occasion. I regard this address as being very much a work in progress. The entire project could be supervised under the auspices of the Standing Committee of Attorneys-General.'

Premier Bob Carr of New South Wales in an address to the Sydney Institute on 9 July 2002 recognised that the New South Wales Government was engaged in a fundamental re-think of the law of negligence:

'There is no precedent for what we are doing. We are changing a body of law that has taken the courts 70 years to develop.'

Unfortunately, the complex legislative drafting involved in such a momentous task is proceeding with haste, not caution. For example, just three weeks after the final part of the Ipp Report was released on 2 October 2002, a second version of the Civil Liability (Personal Responsibility) Bill, with substantial changes to the first September version, was introduced into parliament and is proceeding through both houses as we go to press.

Whether the community will be well served by the 2002 reforms remains to be seen, but it is doubtful whether either legislators or electors have appreciated the full implications of the mooted reforms.

I am very pleased to have been invited to join the Plaintiff team as Guest Managing Editor for this special edition of the journal. Inside you'll find a range of interesting and informative comments on the current law, the proposed reforms and the economic and social background by leading practitioners and commentators. Please be aware that a significant amount of legislative change is occurring, or has recently occurred, as this edition of Plaintiff goes to press. The information in these articles was current as at 15 November 2002. Further updates and extra articles on tort reform will be available on Plaintiff Online from January 2003 at [www.apla.com.au](http://www.apla.com.au).

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