

Second Reading Speech by the Minister for Justice on the *Wrongs (Miscellaneous Provisions) (Amendment) Bill 2022*

Mr. Speaker and members of this honourable House, it gives me great pleasure to introduce the *Wrongs (Miscellaneous Provisions) (Amendment) Bill 2022* which amends the *Wrongs (Miscellaneous Provisions) Act 1975*.

Mr. Speaker, the *Wrongs (Miscellaneous Provisions) Act 1975* has not been amended since its enactment in 1975. Changing circumstances in the law and in this case, where the State Legal Services are concerned, should be reflected accordingly. In addition to the gaps in the *Claims by and Against the State Act 1996*, it has inevitably exposed the related glaring gaps in the *Wrongs (Miscellaneous Provisions) Act* with the past and recent Supreme Court decisions establishing that, in tort claims that were brought against the State, the law did not require the tortfeasors to be specifically named in the court proceeding as it was sufficient that naming the State as a party to the proceedings, was the only prerequisite for establishing vicarious liability against the State.

Mr. Speaker, these inconsistencies has tremendously affected the ability of the State, specifically the Solicitor General, to assess the legitimacy and merits of the claim and initiate investigations to determine the best approach to undertake in addressing the claim.

Mr. Speaker, it was these court decisions that prompted the legal reform to address the inconsistencies that I have already alluded to earlier in my speech on the *Claims by and Against the State (Amendment) Bill 2022*. These amendments make it mandatory for the alleged wrong doer to be named in full with all relevant information stated within the notice with specifics of the date and time of the cause of action.

Mr. Speaker, these amendments will strengthen the State's ability to defend itself against unmeritorious claims curbing adverse exploitation of the law regarding claims brought against the State.

Mr. Speaker, the amendments to the *Wrongs (Miscellaneous Provisions) Act* are consistent with the *Constitution* and other pieces of legislation, complementing and enhancing the *Claims By and Against the State (Amendment) Bill 2022*, simultaneously strengthening the existing government mechanisms for better access to justice for all.

Mr. Speaker, with that I commend the *Wrongs (Miscellaneous Provisions) (Amendment) Bill 2022* to this honourable House.

Hon. Bryan Kramer, MP
Minister for Justice