

PERSONAL INJURIES PROCEEDINGS AMENDMENT BILL 2002

AMENDMENTS AGREED TO IN COMMITTEE

1 Clause 5—

At page 5, lines 9 to 11—

omit, insert—

‘**(3)** Also, this Act, other than section 58, does not apply to—

- (a) personal injury in relation to which a proceeding was started in a court, including in a court outside Queensland or Australia, before 18 June 2002; or
- (b) personal injury that is a dust-related condition.’

2 Clause 6—

At page 6, line 13—

omit, insert—

‘**(9)** To remove any doubt, it is declared that subsection (3)(a), to the extent that it provides that a notice may be given after the first appearance of symptoms of the personal injury, does not determine or affect when a cause of action in relation to the injury arose for the purposes of the *Limitation of Actions Act 1974*.

‘**(10)** In this section—’.

3 After clause 7—

At page 6, after line 23—

insert—

‘7A Amendment of s 43 (Need for urgent proceeding)

Section 43(4)—

omit, insert—

‘(4) Despite subsection (3), the proceeding is not stayed if—

- (a) the court is satisfied that—
 - (i) the claimant is suffering from a terminal condition; and
 - (ii) the trial of the proceeding should be expedited; and
- (b) the court orders the proceeding be given priority in the allocation of a trial date and certifies it for speedy trial.

‘(5) If, under subsection (4), the proceeding is not stayed, the following provisions do not apply in relation to the personal injury—

- (a) this part, other than this section;
- (b) sections 48, 49, 56 and 59;
- (c) chapter 4.’.

4 Clause 12—

At page 8, line 15, ‘1 August 2002’—

omit, insert—

‘the day 3 months after the day the *Personal Injuries Proceedings Amendment Act 2002* receives assent’.

5 Clause 12—

At page 8, line 16—

omit, insert—

‘ (4) To remove any doubt, it is declared that this Act, other than sections 58 and 77, does not apply in relation to the personal injury if, during the period starting on 18 June 2002 and ending at the end of 30 June 2002, a person started a proceeding in a court for damages based on a liability for the personal injury.

‘(5) Subsections (2) and (3) are subject to section 19.¹’.

1 Section 19 (Legal disabilities)

6 Clause 12—

At page 9, line 16, after ‘court’—

insert—

‘, including in a court outside Queensland or Australia’.

7 After clause 12—

At page 10, after line 4—

insert—

‘13 Amendment of schedule (Dictionary)

Schedule—

insert—

“**court**”, outside Queensland or Australia, includes any entity outside Queensland or Australia having an adjudicative function.

“**dust-related condition**” means—

(a) any of the following diseases—

- aluminosis
- asbestosis
- asbestos induced carcinoma
- asbestos related pleural diseases
- bagassosis
- berylliosis
- byssinosis
- coal dust pneumoconiosis
- farmers’ lung
- hard metal pneumoconiosis
- mesothelioma
- silicosis
- silico-tuberculosis
- talcosis; or

- (b) any other pathological condition of the lungs, pleura or peritoneum that is attributable to dust.’’.

8 Schedule—

At page 12, lines 4 and 5—

omit.