

Civil Liability and Other Legislation Amendment Bill 2009

Amendments agreed to during Consideration

1 **Clause 2 (Commencement)**

Page 6, line 8, ‘, 15’—

omit.

2 **Clause 6 (Amendment of s 38 (Interpretation))**

Page 7, line 13, from ‘chapter 7’—

omit, insert—

‘chapter 7;

(g) another entity prescribed under a regulation.’.’.

3 **Clause 15 (Insertion of new ch 5, pt 7)**

Page 15, lines 12 to 21—

omit, insert—

‘85 Retrospective effect of section 59A damages provisions for dust-related claims only

‘(1) The section 59A damages provisions apply to any dust-related claim, even if the relevant breach of duty has happened or happens before 1 July 2010.

Note—

The section 59A damages provisions commence on 1 July 2010.

‘(2) However, the section 59A damages provisions do not apply to a dust-related claim if, before the date of assent of the amending Act—

(a) the claim was settled; or

(b) a proceeding for the claim was started and—

- (i) the proceeding was discontinued; or
 - (ii) judgment was given in the proceeding.
- ‘(3) The section 59A damages provisions apply to another type of personal injury claim only if the relevant breach of duty happens on or after 1 July 2010.
- ‘(4) To remove any doubt, it is declared that in a proceeding for a dust-related claim started before 1 July 2010, section 59A damages may be claimed even though the section 59A damages provisions have not yet commenced.
- ‘(5) In this section—

amending Act means the *Civil Liability and Other Legislation Amendment Act 2010*.

dust-related claim means a claim for personal injury damages resulting from a dust-related condition.

section 59A damages provisions means sections 5, 7, 59, 59A to 59D and 60 and schedule 2, definition *section 59A damages*, as amended or inserted under the amending Act.’