

Western Australia

**Law Reform (Contributory Negligence
and Tortfeasors' Contribution)
Amendment Bill 2001**

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Western Australia

LEGISLATIVE ASSEMBLY

(As amended during consideration in detail)

**Law Reform (Contributory Negligence
and Tortfeasors' Contribution)
Amendment Bill 2001**

A Bill for

**An Act to amend the *Law Reform (Contributory Negligence and
Tortfeasors' Contribution) Act 1947*, and for related purposes.**

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Law Reform (Contributory
Negligence and Tortfeasors' Contribution) Amendment
Act 2001*.

s. 2

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. The Act amended

5 The amendments in this Act are to the *Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act 1947**.

[* Reprinted as authorised 23 May 1979.]

4. Section 3A inserted

10 Before section 4 and after the heading “Contributory Negligence — Amendment of the Law” the following section is inserted —

“

3A. References to claims founded on negligence

15 In sections 4 and 6 —

(a) a reference to a claim or action founded on or resulting from negligence includes a reference to a claim or action founded on or resulting from a breach of a contractual duty of care that is concurrent with and coextensive with a duty of care in tort; and

(b) references to negligence have a corresponding meaning so far as they relate to a defendant.

”

25 **5. Transitional provision**

(1) Subject to subsection (2), the amendment made by section 4 of the *Law Reform (Contributory Negligence and Tortfeasors' Contribution) Amendment Act 2001* applies to acts or omissions that occurred before the commencement of that provision as if the amendment had been in force when the act or omission occurred.

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- 5 (2) The provisions of the *Law Reform (Contributory Negligence
and Tortfeasors' Contribution) Act 1947*, as in force before the
commencement of the *Law Reform (Contributory Negligence
and Tortfeasors' Contribution) Amendment Act 2001*, apply to
an act or omission about which —
- 10 (a) a court proceeding was started before that
commencement in respect of which a judgment has not
been given or a decision has not been made (including a
judgment or decision about liability only) before that
commencement;
- 15 (b) a court, before that commencement, has given judgment
or made a decision (including a judgment or decision
about liability only), whether or not an appeal has been
made against that judgment or decision before that
commencement or is made on or after that
commencement; or
- 20 (c) the persons concerned have, before that commencement,
entered into an agreement to settle claims arising from
the act or omission (including an agreement about
liability only).
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