

Western Australia

Fatal Accidents Amendment Bill 2008

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Western Australia

LEGISLATIVE ASSEMBLY

(As amended during consideration in detail)

Fatal Accidents Amendment Bill 2008

A Bill for

An Act to amend the *Fatal Accidents Act 1959*.

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Fatal Accidents Amendment Act 2008*.

2. Commencement

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

3. The Act amended

The amendments in this Act are to the *Fatal Accidents Act 1959*.

4. Section 5 amended

10 (1) Section 5(2) is amended by deleting the full stop and inserting instead —

“

;

15 (d) any damages for the pain or suffering of the deceased person or for any bodily or mental harm suffered by the deceased person or for the curtailment of the deceased person's expectation of life that, because of the *Law Reform (Miscellaneous Provisions) Act 1941* section 4(2a), are recovered or recoverable for
20 the benefit of the deceased person's estate.

”.

(2) After section 5(2) the following subsection is inserted —

“

25 (3) Subsection (2)(d) applies to an action that is, or could be, brought under this Act whether the cause of action accrues before, on or after the day on which the *Fatal*

Accidents Amendment Act 2008 commences
 (“**commencement day**”) but does not apply to —

5

- (a) an action that was finalised before commencement day by a judgment of a court or by agreement of the parties to the action; or
- (b) a claim, in respect of an action that could have been brought under this Act, that was finalised before commencement day by agreement of the parties to the prospective action.

10

”.

5. Section 10 repealed

Section 10 is repealed.

