

1993
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

**Law Reform (Miscellaneous Provisions)
(Amendment) Bill 1993**

**A BILL
FOR**

An Act to amend the *Law Reform (Miscellaneous Provisions) Act 1955*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Law Reform (Miscellaneous Provisions) (Amendment) Act 1993*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, "Principal Act" means the *Law Reform (Miscellaneous Provisions) Act 1955*.¹

83033 1993/59 (T33/93)

Extensions of liability in certain cases

4. Section 24 of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:

“(5) In this section—

5 ‘Court’ means—

- (a) in relation to an action in which the amount claimed (whether initially or as reduced by payment, admitted set-off or otherwise) does not exceed the amount for which the Magistrates Court has jurisdiction under the *Magistrates Court (Civil Jurisdiction) Act 1982*—the Magistrates Court or the Supreme Court; or
- (b) in any other case—the Supreme Court.”.

Transitional

15 5. (1) Subject to subsection (2), where, on the commencement date—

- (a) proceedings on an action in respect of a liability arising by operation of subsection 24 (1) of the Principal Act as in force immediately before the commencement date have been commenced in the Supreme Court in accordance with subsection 24 (5) of that Act;
- (b) the amount claimed (whether initially or as reduced by payment, admitted set-off or otherwise) in those proceedings does not exceed the amount for which the Magistrates Court has jurisdiction under the *Magistrates Court (Civil Jurisdiction) Act 1982*; and
- 25 (c) those proceedings have not been finally disposed of by the Supreme Court;

sections 279 and 280 of the *Magistrates Court (Civil Jurisdiction) Act 1982* apply to those proceedings as if the proceedings could have been instituted in the Magistrates Court.

30 (2) Rule 7A of Order 65 of the Supreme Court Rules does not apply to proceedings referred to in paragraph (1) (a).

(3) In this section—

“commencement date” means the date on which section 4 commences.

Further amendments

35 6. The Principal Act is further amended as set out in the Schedule.

SCHEDULE

Section 6

Subsection 4 (1)—

- (a) Omit “him”, substitute “the person”.
- (b) Insert “or her” after “his” (wherever occurring).

Subparagraph 5 (1) (c) (ii)—

- (a) Omit “him”, substitute “the person”.
- (b) Insert “or her” after “his”.

Subparagraph 5 (1) (c) (iii)—

Omit “he”, substitute “the person”.

Section 7—

- (a) Omit “him”, substitute “the person”.
- (b) Insert “or her” after “his”.
- (c) Omit “he”, substitute “the person”.

Subsection 8 (1)—

Omit “four of this Act”, substitute “4”.

Subsection 8 (2)—

Omit all the words after “by or under Part”, substitute “V of the *Motor Traffic Act 1936*”.

Subsection 9 (2)—

Omit “The last preceding subsection”, substitute “Subsection (1)”.

Subsection 11 (4)—

Insert “or her” after “him”.

Subsection 11 (5)—

Omit “the last preceding subsection”, substitute “subsection (4)”.

Section 12—

Omit “the last preceding section”, substitute “section 11”.

Subsection 15 (1)—

Insert “or her” after “his”.

SCHEDULE—continued

Subsection 15 (3)—

Omit “of this section”.

Subsection 15 (4)—

Omit “of this section”.

Paragraph 15 (4) (a)—

(a) Omit “the last preceding subsection”, substitute “subsection (3)”.

(b) Omit “the next succeeding paragraph”, substitute “paragraph (b)”.

Paragraph 15 (4) (b)—

Omit “the last preceding paragraph”, substitute “paragraph (a)”.

Section 16—

(a) Omit “of this Act”.

(b) Omit “two”, substitute “2”.

(c) Omit “the last preceding section”, substitute “section 15”.

Paragraph 17 (a)—

Insert “or her” after “his”.

Section 17—

(a) Insert “or her” after “him”.

(b) Omit “fifteen of this Act”, substitute “15”.

Section 18—

(a) Omit “fifteen of this Act”, substitute “15”.

(b) Insert “or her” after “his”.

(c) Insert “or she” after “he”.

Section 19—

Omit “fifteen of this Act”, substitute “15”.

Subsection 20 (1)—

(a) Omit “fifteen of this Act”, substitute “15”.

(b) Omit “two hundred and fifty-nine”, substitute “259”.

(c) Omit “-1953”.

SCHEDULE—continued

Subsection 20 (2)—

Omit “fifteen of this Act”, substitute “15”.

Subsection 24 (2)—

(a) Omit “of this section”.

(b) Omit “the next succeeding subsection”, substitute “subsection (3)”.

Subsection 24 (4)—

Omit “of this section”.

Subsection 25 (1)—

(a) Insert “or she” after “he”.

(b) Insert “or her” after “his”.

Subsection 26 (1)—

Omit “the next succeeding subsection”, substitute “subsection (2)”.

Subsection 26 (3)—

Omit “the provisions of subsection (2) of the last preceding section”, substitute “subsection 25 (2) applies”.

Subsection 27 (2)—

Omit “himself”, substitute “the insurer”.

Section 28—

Omit “TVA of the *Motor Traffic Act 1936-1951*”, substitute “V of the *Motor Traffic Act 1936*”.

NOTE

1. Reprinted as at 31 March 1992.