

2005

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

MR STEFANIAK'S LIMITATION AMENDMENT BILL 2005

GOVERNMENT AMENDMENTS

SUPPLEMENTARY EXPLANATORY STATEMENT

Circulated by authority of the
Mr Jon Stanhope MLA
Attorney General

Outline of Provisions

The following clauses make various changes to the *Limitations Amendment Bill 2005*.

Clause 1

Section 16B of the *Limitations Act 1985* establishes the limitations period (the period in which an action for damages must be commenced) for most causes of action for damages for personal injury in relation to an adult.

Clause 1 omits sections 16B(3) to (6) of the *Limitations Act 1985*. Sections 16B(3) to (6) were added to the *Limitations Act 1985* by amendments that came into force on 9 September 2003. While the amendments did not abrogate a right of action, the amendments reduced the time in which a person had to commence an action, where that action arose before 9 September 2003.

The effect of clause 1 is to omit these amendments, to the effect that the provision only applies to causes of action that arose on or after 9 September 2003.

Clause 2

Clause 2 omits clause 4 of the *Limitations Amendment Bill 2005*.

Clause 3

- (a) Section 30B of the *Limitations Act 1985* establishes the limitations period (the period in which an action for damages must be commenced) for causes of action for damages for personal injury in the provision of a health service to a child.

Clause 3 omits sections 30B(6) and (7). Sections 30B(6) and (7) were added to the *Limitations Act 1985* by amendments that came into force on 9 September 2003. While the amendments did not abrogate a right of action, the amendments reduced the time in which a person had to commence an action, where that action arose before 9 September 2003.

The effect of this provision is to omit these amendments, to the effect that the provision only applies to causes of action that arose on or after 9 September 2003.

- (b) adds a new transitional part and provision to the *Limitations Act 1985*. This provision makes it clear that neither sections 16B nor 30B apply to a cause of action that arose before 9 September 2003.