

Serial 116
Law Reform (Dust Diseases) Amendment Bill 2007
Mr Stirling

**A BILL
for
AN ACT**

to amend the *Law Reform (Miscellaneous Provisions) Act* and the *Limitation Act*

NORTHERN TERRITORY OF AUSTRALIA
LAW REFORM (DUST DISEASES) AMENDMENT ACT 2007

Act No. [] of 2007

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2007

AN ACT

to amend the *Law Reform (Miscellaneous Provisions) Act* and the *Limitation Act*

[Assented to [] 2007]
[Second reading [] 2007]

The Legislative Assembly of the Northern Territory enacts as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Law Reform (Dust Diseases) Amendment Act 2007*.

2. Commencement

This Act commences on the date fixed by the Administrator by *Gazette* notice.

PART 2 – AMENDMENT OF LAW REFORM (MISCELLANEOUS PROVISIONS) ACT

3. Act amended

This Part amends the *Law Reform (Miscellaneous Provisions) Act*.

4. Amendment of section 6 (Damages in actions which survive under this Part)

(1) Section 6

omit

Where

substitute

(1) Where

(2) Section 6, at the end

insert

(2) However, if a person commences an action for damages for personal injury arising from a dust disease and dies as a result of the disease before the action is determined, the exclusion of damages for pain or suffering, bodily or mental harm or curtailment of expectation of life (subsection (1)(c)(ii)) does not apply.

(3) Subsection (2) extends to an action that remains undetermined at the date of commencement of that subsection even though the (former) plaintiff has, as at that date, already died.

(4) In this section:

"dust disease" means a pathological condition of the lungs, pleura or peritoneum that is attributable to dust.

PART 3 – AMENDMENT OF *LIMITATION ACT*

5. Act amended

This Part amends the *Limitation Act*.

6. Amendment of section 12 (Actions in contract, tort etc.)

Section 12(1A) to (3)

omit, substitute

(2) However:

(a) no limitation period applies to an action for damages for personal injury arising from a dust disease; and

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- (b) an action for defamation is not maintainable unless commenced within a limitation period of one year from the date of publication of the defamatory matter; and
- (c) subsection (1) does not apply to an action to which section 17 applies (i.e. an action under section 7 or 13 of the *Compensation (Fatal Injuries) Act*); and
- (d) subsection (1) does not apply to an action for contribution to which section 24 applies.

(3) In this section:

"dust disease" means a pathological condition of the lungs, pleura or peritoneum that is attributable to dust;

"enactment" includes legislation of the Commonwealth, a State or Territory, or of any foreign country or state.