

Western Australia

**Law Reform (Contributory Negligence and
Tortfeasors' Contribution) Amendment Act
2003**

As at 17 Apr 2003

No. 17 of 2003

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Western Australia

Law Reform (Contributory Negligence and Tortfeasors' Contribution) Amendment Act 2003

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**Law Reform (Contributory Negligence
and Tortfeasors' Contribution)
Amendment Act 2003**

No. 17 of 2003

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

[Assented to 17 April 2003]

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 2003*.

s. 2

2. Commencement

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 *Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act 1947**.

[* Reprinted as authorised 23 May 1979.]

4. Section 3A inserted

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

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.

”

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 2003* 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.

- (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 2003*, apply to an act or omission about which —
- (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;
 - (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
 - (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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