WESTERN AUSTRALIA

CHOICE OF LAW (LIMITATION PERIODS) ACT 1994

No. 4 of 1994

AN ACT relating to limitation periods for choice of law purposes.

[Assented to 11 April 1994.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Choice of Law (Limitation Periods) Act 1994*.

Commencement

2. This Act comes into operation on such day as is fixed by proclamation.

Application

3. (1) This Act extends to a cause of action that arose before the commencement of this section but does not apply to proceedings instituted before the commencement of this section.

(2) This Act does not apply in relation to New Zealand unless a declaration that it does so apply is made by the proclamation made under section 2 or by a proclamation made under this subsection.

(3) If the substantive law of New Zealand is to govern a claim before a court of this State and proceedings have been instituted on the claim before a declaration is made as referred to in subsection (2), this Act does not apply to those proceedings.

Interpretation

4. In this Act, unless the contrary intention appears —

"**court**" includes arbitrator;

"**limitation law**" means a law that provides for the limitation or exclusion of any liability or the barring of a right of action in respect of a claim by reference to the time when a proceeding on, or the arbitration of, the claim is commenced.

Characterization of limitation laws

5. If the substantive law of another place being another State, a Territory or New Zealand, is to govern a claim before a court of

this State, a limitation law of that place is to be regarded as part of that substantive law and applied accordingly by the court.

Exercise of discretion under limitation law

6. Where a court of this State exercises a discretion conferred under a limitation law of a place being another State, a Territory or New Zealand that discretion, as far as practicable, is to be exercised in the manner in which it is exercised in comparable cases by the courts of that place.