

House of Representatives
Supplementary Order Paper

Tuesday, 24 August 2010

Limitation Bill

Proposed amendments

Hon Christopher Finlayson, in Committee, to move the following amendments:

Part 3
Defences to other claims

Clause 33(2A)

To omit “became” in the first place where it appears (line 34 on page 24) and substitute “become”.

Clause 45

Heading to *clause 45*: to omit “**Acknowledgement**” (line 26 on page 31) and substitute “**Acknowledgment**”.

Subclause (2): to omit “acknowledgement” (line 36 on page 31) and substitute “acknowledgment”.

Subclause (3): to omit “acknowledgement” (line 1 on page 32) and substitute “acknowledgment”.

Subclause (4): to omit “acknowledgement” (line 8 on page 32) and substitute “acknowledgment”.

Part 4
General provisions

Clause 60: new section 23B(1) of Limitation Act 1950

Paragraph (a): to omit “**30 June 2015**” (line 15 on page 39) and substitute “**31 December 2015**”.

Clause 60: new section 23C(1)(c) of Limitation Act 1950

Subparagraph (ii): to omit “acknowledgement” (line 36 on page 39) and substitute “acknowledgment or part payment”.

Schedule

Item relating to new section 274A of Customs and Excise Act 1996

Heading to *new section 274A*: to omit “**274A**” (line 3 on page 44) and substitute “**274E**”.

Explanatory note

This Supplementary Order Paper sets out amendments to the Limitation Bill.

Part 3—Defences to other claims

Clause 33(2A) is amended to correct a drafting error.

Clause 45 is amended to ensure that it uses the Limitation Act 1950 spelling of acknowledgment.

Part 4—General provisions

Clause 60 is amended to correct a date error in the new longstop period of limitation under *new section 23B* of the Limitation Act 1950. That longstop period of limitation applies to an action based on an act or omission before 1 January 2011 and to which the Limitation Act 1950 applies immediately before it is repealed by the Bill, so long as that action is neither—

- an action that, under the Limitation Act 1950, has no primary limitation period, or a primary limitation period that is longer than 15 years; nor
- an action commenced before 1 January 2011.

Under the Bill as reported by the Justice and Electoral Committee, that longstop period of limitation is (and can be raised by a defendant if the action is brought after) the last to end of the following periods:

- 5 years ending on the close of 30 June 2015;
- 15 years after the date of the act or omission on which the action is based.

That 5-year period is intended to start when the Bill commences on 1 January 2011 (not, as in the Bill as introduced, 1 July 2010). It should therefore end on the close of 31 December 2015 (not, as in the Bill as reported, 30 June 2015).

Clause 60 is also amended to ensure that *new section 23C(1)(c)(ii)* of the Limitation Act 1950, like each of sections 25 to 27 of that Act, mentions not only acknowledgments, but also part payments.

Schedule—Consequential amendments

The *Schedule* is amended to reflect a law change since the Bill was introduced.
