

CONCURRENCE COPY

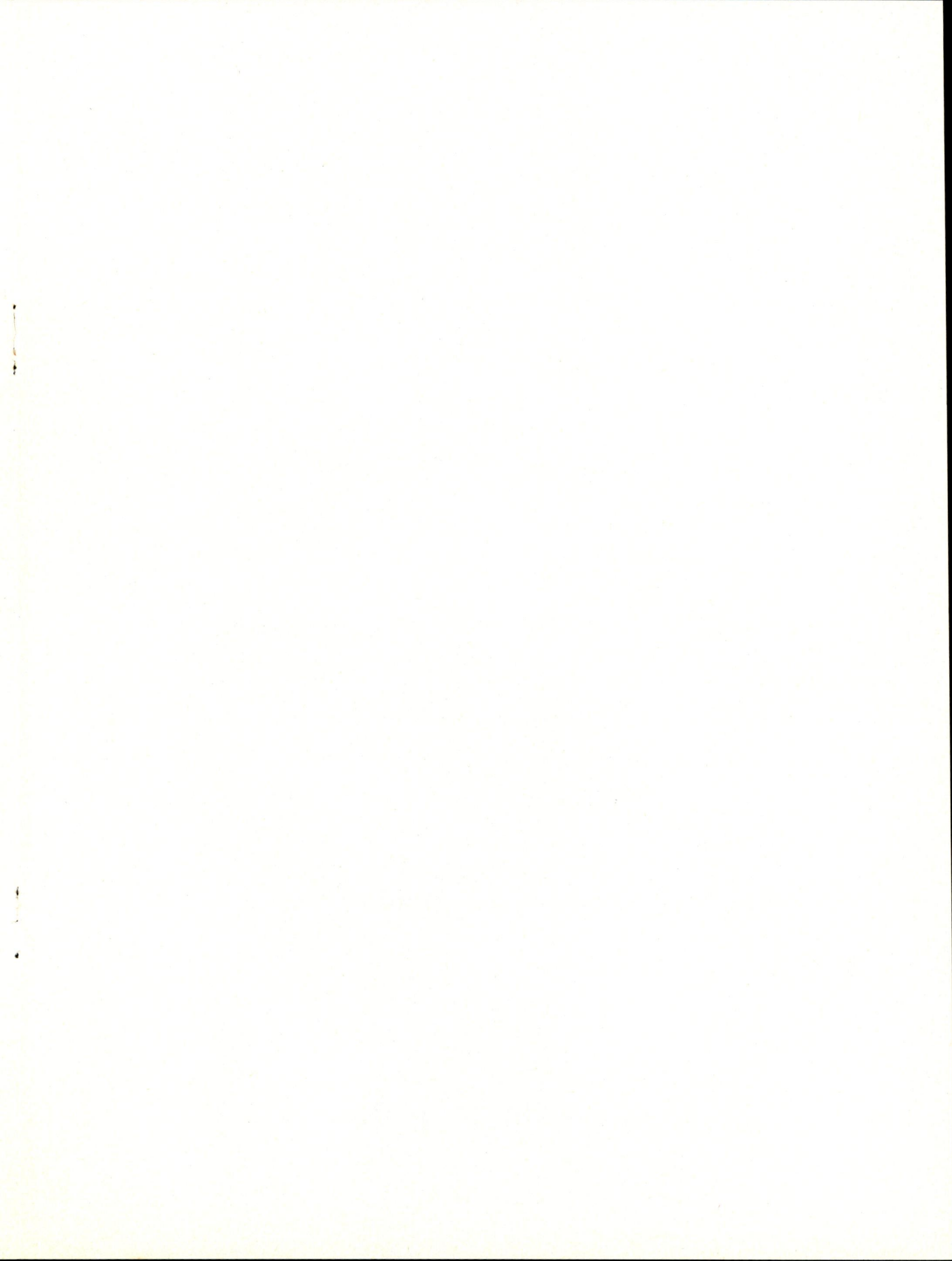
LAW REFORM (MISCELLANEOUS PROVISIONS) AMENDMENT BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Law Reform (Vicarious Liability) Bill, 1983.

The object of this Bill is to amend section 5 of the Law Reform (Miscellaneous Provisions) Act, 1946, so as to make it clear that the Crown is a joint tort-feasor for the purposes of that Act in respect of a tort to which proposed section 8 of the Law Reform (Vicarious Liability) Bill, 1983, applies.



**LAW REFORM (MISCELLANEOUS PROVISIONS)
AMENDMENT BILL, 1983**

No. . . . , 1983.

A BILL FOR

An Act to amend section 5 of the Law Reform (Miscellaneous Provisions) Act, 1946, as a consequence of the enactment of the Law Reform (Vicarious Liability) Act, 1983.

[MR WALKER—17 *March*, 1983.]

Law Reform (Miscellaneous Provisions) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the “Law Reform (Miscellaneous Provisions) Amendment Act, 1983”.

Commencement.

2. (1) Except as provided by subsection (2), this Act shall commence **10** on the date of assent to this Act.

(2) Section 3 and Schedule 1 shall commence on the day appointed and notified under section 2 (2) of the Law Reform (Vicarious Liability) Act, 1983.

Amendment of Act No. 33, 1946.

15 3. The Law Reform (Miscellaneous Provisions) Act, 1946, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

20 AMENDMENTS TO THE LAW REFORM (MISCELLANEOUS PROVISIONS) ACT, 1946.

(1) Section 5 (3A)—

After section 5 (3), insert:—

25 (3A) For the purposes of this section, where a person commits a tort and the Crown is vicariously liable under section 8 of the Law Reform (Vicarious Liability) Act, 1983, in respect of that tort, the Crown and the person are joint tort-feasors.

Law Reform (Miscellaneous Provisions) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LAW REFORM (MISCELLANEOUS PROVISIONS)
ACT, 1946—*continued.*

(2) Section 5 (4) (a1)—

5 After section 5 (4) (a), insert:—

10 (a1) apply so as to cause the Crown and a person in the service
of the Crown to be joint tort-feasors with respect to a tort
to which section 8 of the Law Reform (Vicarious Liability)
Act, 1983, applies committed before the day appointed and
notified under section 2 (2) of the Law Reform (Vicarious
Liability) Act, 1983; or

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

(20c)

