

LEGISLATIVE COUNCIL

CIVIL PROCEDURE BILL 2010

(Amendments to be proposed in Committee by Mr RICH-PHILLIPS)

1. Clause 34, line 22, omit "reasonable steps" and insert "such steps, if any, as are reasonable".
2. Clause 34, page 28, after line 6 insert—
 - "(3) For the purposes of this section, in having regard to the person's situation and the nature of the dispute, a person may take into account all relevant circumstances, including whether—
 - (a) a limitation period is about to expire;
 - (b) the civil dispute is in the nature of a test case or involves issues of public interest;
 - (c) a person involved in the civil dispute has a terminal illness or an other medical condition relevant to the dispute;
 - (d) the civil dispute involves allegations of fraud;
 - (e) any civil proceeding is likely to involve multiple parties and it is not practical to involve all required parties prior to the proceeding commencing;
 - (f) possible steps would involve unreasonable personal or financial hardship;
 - (g) the person has already complied with other measures required by legislation, contract or otherwise which provided a reasonable opportunity for the civil dispute to be resolved;
 - (h) the civil proceedings are in the nature of debt recovery and there are reasonable grounds to believe there is no genuine dispute about liability;
 - (i) the civil dispute involves joining a party to existing civil proceedings;
 - (j) the civil dispute is a mortgagee action for possession of land;
 - (k) a resolution of the civil dispute requires approval of a court."
3. Clause 34, page 28, line 7, omit "(3)" and insert "(4)".