

Civil Liability Regulation 2019

[2019-384]



New South Wales

Status Information

Currency of version

Current version for 18 July 2022 to date (accessed 18 May 2024 at 9:33)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2024

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 18 July 2022

Civil Liability Regulation 2019



New South Wales

Contents

1 Name of Regulation	3
2 Commencement	3
3 Definition	3
4 Liability of public authorities.....	3
5 Proportionate liability	3
5A Individual akin to an employee—the Act, s 6G(4).....	4
6 Repeal and savings.....	4

Civil Liability Regulation 2019



New South Wales

1 Name of Regulation

This Regulation is the *Civil Liability Regulation 2019*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Note—

This Regulation repeals and replaces the *Civil Liability Regulation 2014*, which would otherwise be repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation—

the Act means the *Civil Liability Act 2002*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Liability of public authorities

The following are prescribed as authorities to which Part 5 of the Act applies—

- (a) a person or body that conducts a non-government school (within the meaning of the *Education Act 1990*), in respect of any function exercised by or on behalf of that person or body in connection with the conduct of that school,
- (b) Water NSW, in respect of any function exercised by or on behalf of Water NSW in the Sydney catchment area (within the meaning of the *Water NSW Act 2014*).

5 Proportionate liability

(1) Any civil liability to which Part 4 of the Act would have applied but for this clause is

excluded from the operation of that Part, and from the operation of clauses 6 and 13 of Schedule 1 to the Act in their application to that Part, if the liability arose before 26 July 2004.

- (2) Subclause (1) does not apply to any civil liability in respect of the following actions commenced on or after 1 December 2004 (even if liability arose before 26 July 2004)—
 - (a) a building action or subdivision action (within the meaning of Part 4C of the *Environmental Planning and Assessment Act 1979* as in force immediately before 1 March 2018),
 - (b) a civil action for loss or damage arising out of or in connection with defective building work or defective subdivision work (as referred to in Division 6.6 of Part 6 of the *Environmental Planning and Assessment Act 1979*).
- (3) Part 4 of the Act applies in respect of an action referred to in subclause (2).

5A Individual akin to an employee—the Act, s 6G(4)

- (1) Despite the Act, section 6G(3)(b) an individual is akin to an employee if—
 - (a) the activities carried out by the individual are carried out in the individual's capacity as an authorised residential care worker, and
 - (b) the individual is otherwise akin to an employee for the Act, section 6G.
- (2) In this clause—

authorised residential care worker has the same meaning as in the *Children and Young Persons (Care and Protection) Act 1998*.

6 Repeal and savings

- (1) The *Civil Liability Regulation 2014* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Civil Liability Regulation 2014*, had effect under that Regulation continues to have effect under this Regulation.