

Civil Liability Regulation 2009

[2009-436]



New South Wales

Status Information

Currency of version

Repealed version for 28 August 2009 to 31 August 2014 (accessed 29 November 2024 at 23:40)

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—

- **Repeal**

The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2014.

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 1 September 2014

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Civil Liability Regulation 2009



New South Wales

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Civil Liability Act 2002*.

JOHN HATZISTERGOS, MLC Attorney General

1 Name of Regulation

This Regulation is the *Civil Liability Regulation 2009*.

2 Commencement

This Regulation commences on 1 September 2009 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Civil Liability Regulation 2003* which is repealed on 1 September 2009 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Civil Liability Act 2002*.

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

4 Non-government schools

A person or body that conducts a non-government school:

(a) that is registered under Division 3 of Part 7 of the *Education Act 1990*, or

(b) that is exempted from registration under Division 7 of Part 7 of that Act,

is prescribed as an authority to which Part 5 of the Act applies in respect of any function exercised by or on behalf of that person or body in connection with the conduct of that school.

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 a building action or subdivision action (within the meaning of Part 4C of the *Environmental Planning and Assessment Act 1979*) commenced on or after 1 December 2004 (even if liability arose before 26 July 2004). Accordingly, Part 4 of the Act applies in respect of such an action.

Note—

Clause 8 of Schedule 1 to the Act provides that Part 4 of the Act does not apply to building or subdivision actions commenced before the commencement of Part 4 on 1 December 2004. Section 109ZJ (Apportionment of liability) of the *Environmental Planning and Assessment Act 1979* continues to apply to such actions despite its repeal by the *Civil Liability Amendment (Personal Responsibility) Act 2002*).

6 Saving

Any act, matter or thing that, immediately before the repeal of the *Civil Liability Regulation 2003*, had effect under that Regulation continues to have effect under this Regulation.