

South Australia



ANNO QUINQUAGESIMO  
ELIZABETHAE II REGINAE  
A.D. 2001

**SURVIVAL OF CAUSES OF ACTION (DUST-RELATED CONDITIONS)  
AMENDMENT ACT 2001**

No. 49 of 2001

[Assented to 11 October 2001]

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An Act to amend the Survival of Causes of Action Act 1940.

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**SUMMARY OF PROVISIONS**

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4. Insertion of schedule

**SCHEDULE  
*Prescribed Dust Diseases***

5. Transitional provision

**The Parliament of South Australia enacts as follows:**

**PART 1  
PRELIMINARY**

**Short title**

1. This Act may be cited as the *Survival of Causes of Action (Dust-Related Conditions) Amendment Act 2001*.

**Interpretation**

2. A reference in this Act to the principal Act is a reference to the *Survival of Causes of Action Act 1940*.

**PART 2  
AMENDMENT OF SURVIVAL OF CAUSES OF ACTION ACT 1940**

**Amendment of s. 3—Damages in actions which survive under this Act**

3. Section 3 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) However, if a person commences an action for damages in respect of a dust-related condition and dies as a result of that condition before the action is finally determined, damages for pain and suffering, bodily and mental harm, and curtailment of expectation of life, are recoverable for the benefit of the estate of the person.

(3) In subsection (2)—

"dust-related condition" means—

- (a) a disease specified in the schedule; or
- (b) any other pathological condition of the lungs, pleura or peritoneum that is attributable to dust.

**Insertion of schedule**

4. The following schedule is inserted after section 7 of the principal Act:

**SCHEDULE  
*Prescribed Dust Diseases***

Aluminosis  
Asbestosis  
Asbestos induced carcinoma  
Asbestos related pleural diseases  
Bagassosis  
Berylliosis  
Byssinosis  
Coal dust pneumoconiosis  
Farmers' lung  
Hard metal pneumoconiosis  
Mesothelioma  
Silicosis  
Silico-tuberculosis  
Talcosis

**Transitional provision**

5. The amendments made to the principal Act by this Part extend to actions commenced before the commencement of this Act, other than any action that has been finalised by a judgement of a court (whether or not the judgement is subject to an appeal), or settled or withdrawn, before the commencement of this Act.