

CONCURRENCE COPY

LAW REFORM (MARITAL CONSORTIUM) BILL, 1984 (No. 2)

EXPLANATORY NOTE

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

The object of this Bill is to abolish the cause of action for loss or impairment of marital consortium.

That action at present enables a husband to recover damages, for the loss of the services or society, or both, of his wife, against a person whose fault has caused her injury but not her death. The Bill, if enacted, will not permit those damages to be recovered in future cases, and will also operate to prevent the development of a similar cause of action enabling a wife to recover damages in respect of her husband's injury.



LAW REFORM (MARITAL CONSORTIUM) BILL, 1984
(No. 2)

No. , 1984.

A BILL FOR

An Act to abolish actions for damages for loss of consortium.

[MR LANDA—2 May, 1984.]

Law Reform (Marital Consortium).

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 (Marital Consortium) Act, 1984".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

10 (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Abolition of action for loss or deprivation of consortium.

15 3. (1) A person is not liable for damages in tort on the ground that the negligence, or other act or omission, of the person caused loss or impairment of the consortium of a husband and wife.

(2) Nothing in subsection (1) applies to causes of action accrued before the commencement of this section.

LAW REFORM (MARITAL CONSORTIUM) ACT, 1984, No. 38

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 38, 1984.

An Act to abolish actions for damages for loss of consortium. [Assented to,
13th June, 1984.]

Law Reform (Marital Consortium).

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:—

Short title.

1. This Act may be cited as the "Law Reform (Marital Consortium) Act, 1984".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Abolition of action for loss or deprivation of consortium.

3. (1) A person is not liable for damages in tort on the ground that the negligence, or other act or omission, of the person caused loss or impairment of the consortium of a husband and wife.

(2) Nothing in subsection (1) applies to causes of action accrued before the commencement of this section.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 13th June, 1984.*