



COMMON LAW (MISCELLANEOUS ACTIONS) ACT 1986

No. 114 of 1986

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AN ACT to abolish claims for the loss of consortium, increase the discount rate applicable to damages for future loss, and to abolish awards for gratuitous services.

[Royal Assent 18 December 1986]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Common Law (Miscellaneous Actions) Act 1986*. Short title.

Non-application
of Act.

2—This Act does not apply to a cause of action accrued before the commencement of this Act.

Abolition of
action for
loss of
consortium.

3—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.

Discount rate
applicable
to certain
damages.

4—(1) Where an award of damages that relates to personal injury or the death of a person is to include compensation, awarded as a lump sum, in respect of damages for future loss that is referable to—

- (a) loss or impairment of capacity to earn;
- (b) loss or diminution of future probable earnings;
- (c) loss of the expectation of financial support; or
- (d) a liability to incur expenditure in the future,

the present value of the future loss shall be qualified by adopting—

- (e) a discount rate of 7 per cent; or
- (f) such other discount rate of a percentage fixed by the Governor.

(2) For the purposes of subsection (1) (f), the Governor, on the recommendation of the Attorney-General, may fix by regulation the percentage of the discount rate.

Abolition of
awards for
gratuitous
services.

5—An award of damages that relates to personal injury of a person shall not include compensation for the value of services of a domestic nature or services relating to nursing and attendance—

- (a) which have been or are to be provided by another person to the person in whose favour the award is made; and
- (b) for which the person in whose favour the award is made has not paid or is not liable to pay.

Interpretation.

6—For the purposes of this Act, “personal injury” includes any disease, and any impairment of the physical or mental condition of a person.