

LAW REFORM (HUSBAND AND WIFE) ACT AMENDMENT ACT

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Queensland



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ELIZABETHAE SECUNDAE REGINAE

No. 81 of 1989

An Act to amend The Law Reform (Husband and Wife) Act
of 1968 in certain particulars

[ASSENTED TO 18TH SEPTEMBER, 1989]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Law Reform (Husband and Wife) Act Amendment Act 1989*.

2. Citation. (1) In this Act *The Law Reform (Husband and Wife) Act of 1968* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Law Reform (Husband and Wife) Act 1968-1989*.

3. Repeal of and new long title. The Principal Act is amended by repealing the long title and substituting the following long title:—

“An Act relating to civil remedies available to persons in the capacity of a husband or wife”.

4. Amendment of s. 2. Section 2 of the Principal Act is amended by adding at the end thereof the following subsection:—

“(4) The reference in subsection (1) to “parties to a marriage” includes reference to persons who were parties to a marriage that has been annulled or dissolved.”.

5. Repeal of and new s. 3. The Principal Act is amended by repealing section 3 and substituting the following section:—

“3. Wife's remedy for loss or impairment of consortium. (1) Where a person causes injury to another by wrongful act, neglect or default, whether or not the injury results in death, he shall be liable in damages to the wife of the injured person for loss or injury suffered by her as a result of the loss or impairment of the consortium of husband and wife.

(2) The damages shall be assessed in the same manner as upon a claim by a husband for damages in tort in respect of loss or impairment of consortium.”.

6. Repeal of and new s. 4. The Principal Act is amended by repealing section 4 and substituting the following section:—

“4. Application of Act. This Act shall not be construed to confer a right of action in respect of a wrongful act, neglect or default that occurred—

(a) before 1 June 1968, where the application of section 2 is in question;

(b) before 1 January 1985, where the application of section 3 is in question.”.

7. New s. 6. The Principal Act is amended by inserting after section 5 the following section:—

“6. Time for bringing action. Notwithstanding the provisions of the *Limitation of Actions Act 1974-1981* or any other Act or

