

# LEGISLATIVE COUNCIL

Read 1<sup>o</sup> 20 October 1982

(Brought in by the Honourable W. A. Landeryou)

## A BILL

To amend the *Wrongs Act* 1958 and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Wrongs (Dependants) Act* 1982. Short title.

(2) In this Act the *Wrongs Act* 1958 is called the Principal Act. Principal Act No. 6420. Reprinted to No. 9153. Subsequently amended by Nos. 9292, 9353, 9576, 9683 and 9708.

10 (3) This Act shall come into operation on the day on which the *Administration and Probate (Survival of Actions) Act* 1982 comes into operation. Commencement.

2. Section 15 of the Principal Act shall be repealed.

Amendment of No. 6420. Repeal of s. 15.

Amendment of  
Act No. 6420,  
s. 17.

3. In section 17 of the Principal Act—

- (a) after the expression “17.” there shall be inserted the expression “(1)”; and
- (b) for the words “the wife husband parent and child” there shall be substituted the words “the dependants”.

5

4. At the end of section 17 of the Principal Act there shall be inserted the following sub-section:

“(2) In sub-section (1) the word “dependants” means such persons as were wholly mainly or in part dependent on the person deceased at the time of his death or who would but for the incapacity due to the injury which led to the death have been so dependent.

10

Amendment of  
No. 6420, s. 24.

5. In section 24 of the Principal Act—

- (a) in sub-section (1) (b) for the words “the wife husband parent or child” there shall be substituted the words “the dependants”; and
- (b) in sub-section (6) for the interpretations of “Child” and “Parent” there shall be substituted the following interpretation:

15

“‘Dependants’ means those persons for whose benefit an action could be brought under Part III. of this Act.’

20

Amendment of  
No. 6420, s. 26.

6. For sub-section (4) of section 26 of the Principal Act there shall be substituted the following sub-section:

“(4) Where any person dies as a result partly of his own fault and partly of the fault of any other person or persons an action brought by the dependants of the first-mentioned person under Part III. of this Act shall not be defeated nor shall any damages recoverable by those dependants under that action be reduced by reason of that first-mentioned person’s fault.”

25

Transitional  
provisions.

7. (1) The Principal Act as amended by this Act shall apply only to causes of actions which accrue after the commencement of this Act.

30

(2) The Principal Act as in force immediately before the commencement of this Act shall continue to apply to actions which accrued on or before the commencement of this Act.

35