



ANNO TRICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1982

No. 86 of 1982

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

[Assented to 7 October 1982]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Survival of Causes of Action Act Amendment Act, 1982".

(2) The Survival of Causes of Action Act, 1940, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Survival of Causes of Action Act, 1940-1982".

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

2. Section 3 of the principal Act is amended—

(a) by striking out paragraph (a) and substituting the following paragraph:

(a) shall not include damages for—

- (i) pain or suffering;
- (ii) bodily or mental harm;
- (iii) the curtailment of expectation of life;
- (iv) the loss of capacity to earn, or the loss of probable future earnings, in respect of the period for which the deceased person would have survived but for the act or omission that gave rise to the cause of action; ;

and

(b) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) This section as amended by the Survival of Causes of Action Act Amendment Act, 1982, applies in respect of causes of action arising before or after the commencement of that amending Act except a cause of action upon which a

court had given judgment before the commencement of that amending Act (whether or not that judgment is subject to an appeal).

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor