

COMMON LAW (MISCELLANEOUS ACTIONS) AMENDMENT ACT 1994

No. 6 of 1994

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AN ACT to amend the Common Law (Miscellaneous Actions) Act 1986

[Royal Assent 17 March 1994]

 \mathbf{B}^{E} 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:—

Short title

1—This Act may be cited as the Common Law (Miscellaneous Actions) Amendment Act 1994.

Commencement

2-This Act commences on the day on which it receives the Royal Assent.

Principal Act

3—In this Act, the Common Law (Miscellaneous Actions) $Act 1986^*$ is referred to as the Principal Act.

Section 4 amended (Discount rate applicable to certain damages)

4-Section 4 of the Principal Act is amended as follows:-

- (a) by omitting from subsection (1) "qualified" and substituting "quantified";
- (b) by inserting after subsection (2) the following subsections:--

(3) The percentage of the discount rate fixed under subsection (2) does not apply to an award of damages in respect of the personal injury or death of a person which occurred before the day on which the percentage takes effect as the discount rate.

(4) The percentage of the discount rate which applies to an award of damages made in respect of the personal injury or death of a person is the percentage that is in force on the day on which the personal injury or death occurred and that percentage continues to apply to that award notwithstanding that another percentage is fixed as the discount rate after the personal injury or death occurred.

[Second reading presentation speech made in:— House of Assembly on 10 November 1993 Legislative Council on 17 February 1994]

* No. 114 of 1986.