

**FATAL ACCIDENTS AMENDMENT ACT 1994**

No. 48 of 1994

TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Principal Act
4. Section 3 substituted and section 3A inserted
 - 3—Interpretation
 - 3A—Persons treated as de facto spouses

AN ACT to amend the *Fatal Accidents Act 1934***[Royal Assent 25 August 1994]**

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:—

Short title

1—This Act may be cited as the *Fatal Accidents Amendment Act 1994*.

Commencement

2—This Act commences on a day to be proclaimed.

Principal Act

3—In this Act, the *Fatal Accidents Act 1934** is referred to as the Principal Act.

Section 3 substituted and section 3A inserted

4—Section 3 of the Principal Act is repealed and the following sections are substituted:—

Interpretation

3—(1) In this Act, unless the contrary intention appears—

“**de facto spouse**” means a person—

(a) who cohabited with another person of the opposite sex as the spouse of that other person, although not legally married to that other person, for at least 3 years immediately before the death of that other person; and

(b) who was principally dependent on that other person for financial support at the time when a wrongful act, neglect or default occurred in respect of that other person;

“**member of the family**”, in relation to a person, means that person’s—

(a) spouse, de facto spouse, parent, stepparent, grandparent, child, stepchild or grandchild; or

(b) brother, sister, half-brother or half-sister;

“**wrongful act, neglect or default**” means a wrongful act, neglect or default referred to in section 4.

* 25 Geo. V No. 30. For this Act, as amended to 1 January 1981, see the continuing Reprint of Statutes. Subsequently amended by No. 14 of 1993.

Persons treated as de facto spouses

3A—(1) In this section, “court” means a court in which an action for damages may be brought in respect of the death of a person caused by wrongful act, neglect or default.

(2) A person may apply to a court to be treated as the de facto spouse of a deceased person if that person would have been the de facto spouse of the deceased person but for the period during which the persons cohabited.

(3) The executor or administrator of a deceased person may apply to a court for a determination that a person referred to in subsection (2) is to be treated as the de facto spouse of the deceased person.

(4) A court may determine that a person is to be treated as the de facto spouse of another person if satisfied that, taking into account the circumstances of the case, it is proper to do so.

*[Second reading presentation speech made in:—
House of Assembly on 11 May 1994
Legislative Council on 3 August 1994]*

