

AUSTRALIAN CAPITAL TERRITORY

COMPENSATION (FATAL INJURIES) ORDINANCE 1968

EXPLANATORY MEMORANDUM

No. 9 of 1968

This Ordinance consolidates and amends the law relating to compensation to relatives of persons whose deaths are caused by wrongful acts, neglects or defaults.

2. The benefit of the legislation has been extended to the following classes of persons, who previously were unable to make a claim: —

- (a) a person who stood in loco parentis to the deceased and a person to whom the deceased stood in loco parentis;
- (b) a brother, sister, half-brother and half-sister;
- (c) a former husband or wife; and
- (d) a de facto husband or wife;

3. In these, as in all claims under the Ordinance, a claimant must prove actual dependence on the deceased.

4. Previously, an action had to be brought within twelve months of the date of death. This period has been extended to three years.

5. To the classes of payments which shall not be taken into account by way of reduction of damages, the following have been added: —

- (a) social service and repatriation benefits;
- (b) payments in lieu of furlough or long service leave;
- (c) gratuities;
- (d) the value of an interest in the matrimonial home or its contents; and
- (e) a premium that would have become payable on life assurance of the deceased if he had lived.