New South Wales

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ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

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Act No. 17, 1964.

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An Act to make further provisions with respect to actions by one spouse against the other; to abolish the liability of a husband for his wife's torts and ante-nuptial contracts, debts and obligations; to confer certain tenancy rights in the matrimonial home on a wife separated from or deserted by her husband; for these and other purposes to amend the Married Women's Property Act, 1901, the Motor Vehicles (Third Party Insurance) Act, 1942, the Landlord and Tenant Act of 1899, and certain other Acts; and for purposes connected therewith. [Assented to, 30th April, 1964.] BE 62367 [8d.]

 \mathbf{B}^{E} it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Law Reform (Married Persons) Act, 1964".

(2) The Married Women's Property Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Married Persons (Property and Torts) Act, 1901-1964.

(3) The Motor Vehicles (Third Party Insurance) Act, 1942, as amended by subsequent Acts and by this Act, may be cited as the Motor Vehicles (Third Party Insurance) Act, 1942-1964.

(4) The Landlord and Tenant Act of 1899, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant Act of 1899-1964.

Amendment 2. The Married Women's Property Act, 1901, as of Act No. amended by subsequent Acts, is amended— 45, 1901.

Subst. sec. 16 and new secs. 16A, 16B.

Actions in tort by one spouse against the other.

Remedies of one spouse against the other for protection and security of property. (a) by omitting section sixteen and by inserting in lieu thereof the following sections : —

16. Notwithstanding the provisions of section three of this Act, no husband or wife shall be entitled to sue the other for a tort except as provided in section 16A or 16B of this Act.

16A. (1) A husband or wife shall have against the other the same civil remedies and remedies and redress by way of criminal proceedings for the protection and security of his or her property as if they were both unmarried.

Short title and citation. 1

Act No. 17, 1964.

Law Reform (Married Persons).

X

A wife shall continue to have the same civil remedies and remedies and redress by way of criminal proceedings against persons other than her husband as she had before the commencement of the Law Reform (Married Persons) Act, 1964.

(2) In any proceedings under this section it shall be sufficient to allege that the property is the property of the husband or wife, as the case may be.

(3) No criminal proceedings shall be taken by any husband or wife against the other by virtue of this Act while they are living together as to or concerning any property claimed by him or her, nor while they are living apart, as to or concerning any act done while they were living together concerning property claimed by him or her, unless such property has been wrongfully taken by the husband or wife when leaving or deserting or about to leave or desert the other.

(4) For the purposes of this section, where the conduct of a spouse constitutes just cause or excuse for the other party to the marriage to live separately or apart, and occasions that other party to live separately or apart, that other party shall be deemed to have been deserted by his or her spouse, notwithstanding that such spouse may not in fact have intended the conduct to occasion that other party to live separately or apart.

(5) This section applies to proceedings by a husband against his wife only where the cause of action arose after the commencement of the Law Reform (Married Persons) Act, 1964.

16B. (1) An action for damages against any person may be commenced and maintained and judgment may be obtained and enforced in respect of bodily injury to, or the death of, any other person caused by or arising out of the use of a registered motor vehicle, notwithstanding that at the date of the bodily injury or of the injury resulting in the death or at any later date such persons were husband and wife.

In this subsection, "registered motor vehicle" means a motor vehicle registered or required to be registered under the Motor Traffic Act, 1909, as amended by subsequent Acts, or the Transport Act, 1930, as amended by subsequent Acts and includes a motor vehicle to which is affixed a special number plate (known as a trader's plate) issued to a manufacturer or repairer of or dealer in motor vehicles in accordance with the regulations under the Motor Traffic Act, 1909, as amended by subsequent Acts.

(2) This section applies only where the cause of action arose after the commencement of the Law Reform (Married Persons) Act, 1964.

(b) by omitting section eighteen and by inserting in lieu thereof the following section : —

18. (1) The husband of a married woman shall not, by reason only of his being her husband, be liable—

- (a) in respect of a tort committed by her, whether before or after the marriage, or in respect of a contract entered into, or debt or obligation incurred, by her before the marriage; or
- (b) to be sued, or made a party to a legal proceeding brought, in respect of any such tort, contract, debt or obligation.

(2) Subsection one of this section does not affect a legal proceeding instituted before the commencement of the Law Reform (Married Persons) Act, 1964.

Actions by one spouse against the other for negligent use of motor vehicle.

Subst. sec. 18.

Abolition of husband's liability for wife's torts and ante-nuptial obligations.

(c) by omitting section nineteen;

(d) by omitting section twenty.

T

The Motor Vehicles (Third Party Insurance) Act, Amendment 3. 1942, as amended by subsequent Acts, is amended by inserting 15, 1942. in subsection one of section thirty after the words "cannot be Sec. 30. found" the words "or is the spouse of the person whose death (Claims in or to whom bodily injury has been caused".

respect of uninsured and unidentified motor vehicles.)

Sec. 19.

Sec. 20. (Act of wife liable to criminal proceedings.)

(Suits for ante-nuptial liabilities.)

4. The Landlord and Tenant Act of 1899, as amended Amendment of Act No. by subsequent Acts, is amended by inserting next after section 18, 1899. 2A the following new section : ---

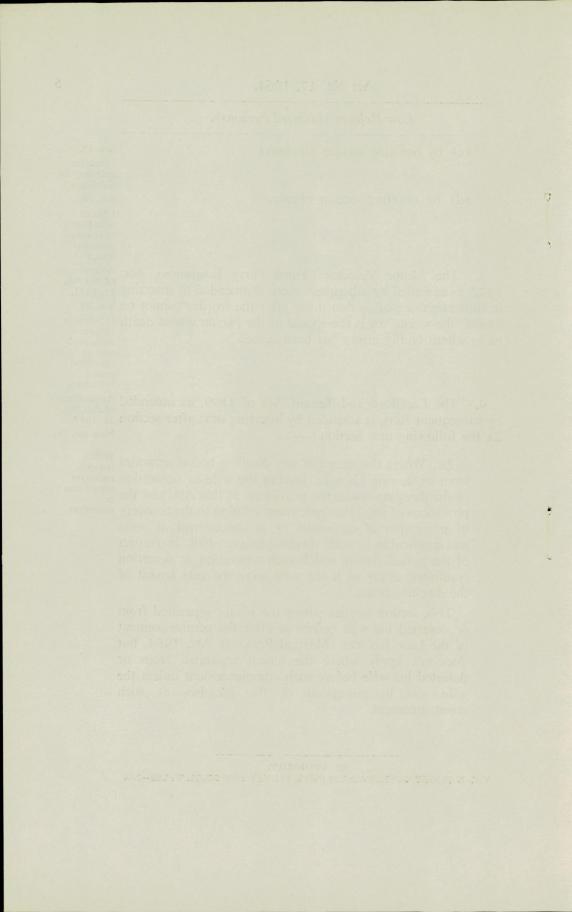
2B. Where the tenant of any dwelling-house separates Wife's tenancy from or deserts his wife, leaving the wife in possession rights on of the dwelling-house, the provisions of this Act, and the separation provisions of any other enactment relating to the recovery desertion. of possession of tenements or to the control of rents and applicable to such dwelling-house, shall, in respect of the period during which such separation or desertion continues, apply as if the wife were the sole tenant of the dwelling-house.

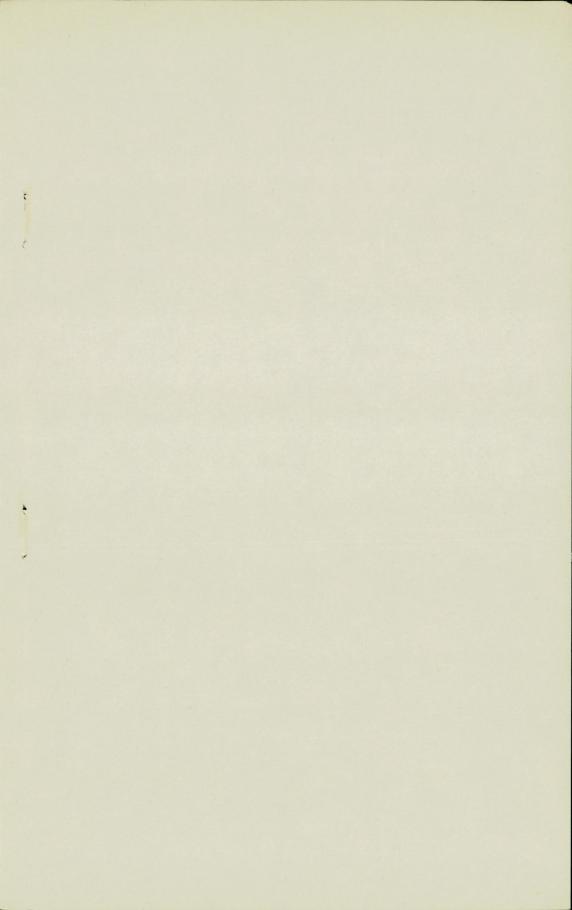
This section applies where the tenant separated from or deserted his wife before or after the commencement of the Law Reform (Married Persons) Act, 1964, but does not apply where the tenant separated from or deserted his wife before such commencement unless the wife was in possession of the premises at such commencement.

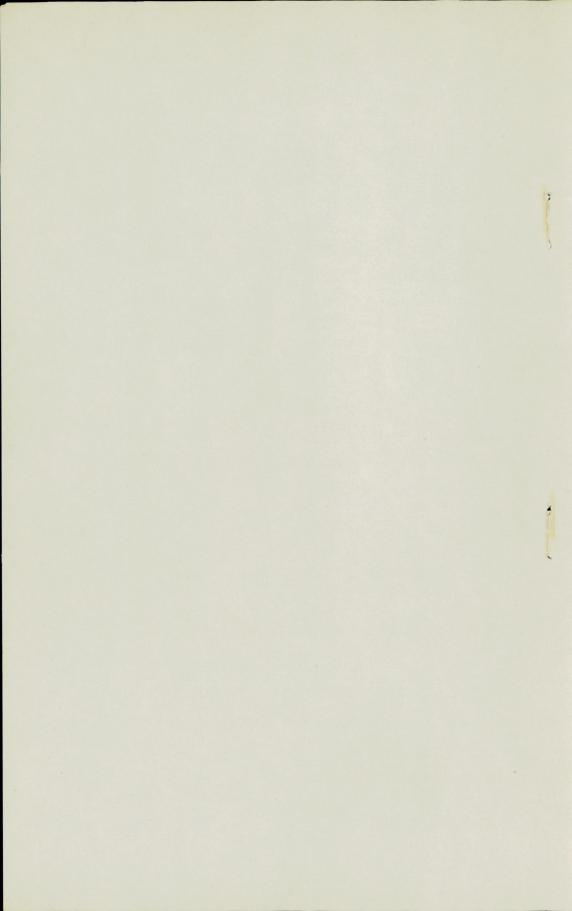
BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES-1964

New sec. 2B.







I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGIS-LATIVE ASSEMBLY of NEW SOUTH WALES.

> ALLAN PICKERING, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 28 April, 1964.

New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 17, 1964.

*

An Act to make further provisions with respect to actions by one spouse against the other; to abolish the liability of a husband for his wife's torts and ante-nuptial contracts, debts and obligations; to confer certain tenancy rights in the matrimonial home on a wife separated from or deserted by her husband; for these and other purposes to amend the Married Women's Property Act, 1901, the Motor Vehicles (Third Party Insurance) Act, 1942, the Landlord and Tenant Act of 1899, and certain other Acts; and for purposes connected therewith. [Assented to, 30th April, 1964.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

> HOWARD T. FOWLES, Chairman of Committees of the Legislative Assembly.

 \mathbf{B}^{E} it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title and citation. 1. (1) This Act may be cited as the "Law Reform (Married Persons) Act, 1964".

(2) The Married Women's Property Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Married Persons (Property and Torts) Act, 1901-1964.

(3) The Motor Vehicles (Third Party Insurance) Act, 1942, as amended by subsequent Acts and by this Act, may be cited as the Motor Vehicles (Third Party Insurance) Act, 1942-1964.

(4) The Landlord and Tenant Act of 1899, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant Act of 1899-1964.

Amendment 2. The Married Women's Property Act, 1901, as of Act No. amended by subsequent Acts, is amended— 45, 1901.

Subst. sec. 16 and new secs. 16A, 16B.

Actions in tort by one spouse against the other.

Remedies of one spouse against the other for protection and security of property. (a) by omitting section sixteen and by inserting in lieu thereof the following sections : —

16. Notwithstanding the provisions of section three of this Act, no husband or wife shall be entitled to sue the other for a tort except as provided in section 16A or 16B of this Act.

16A. (1) A husband or wife shall have against the other the same civil remedies and remedies and redress by way of criminal proceedings for the protection and security of his or her property as if they were both unmarried.

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Act No. 17, 1964.

Law Reform (Married Persons).

A wife shall continue to have the same civil remedies and remedies and redress by way of criminal proceedings against persons other than her husband as she had before the commencement of the Law Reform (Married Persons) Act, 1964.

(2) In any proceedings under this section it shall be sufficient to allege that the property is the property of the husband or wife, as the case may be.

(3) No criminal proceedings shall be taken by any husband or wife against the other by virtue of this Act while they are living together as to or concerning any property claimed by him or her, nor while they are living apart, as to or concerning any act done while they were living together concerning property claimed by him or her, unless such property has been wrongfully taken by the husband or wife when leaving or deserting or about to leave or desert the other.

(4) For the purposes of this section, where the conduct of a spouse constitutes just cause or excuse for the other party to the marriage to live separately or apart, and occasions that other party to live separately or apart, that other party shall be deemed to have been deserted by his or her spouse, notwithstanding that such spouse may not in fact have intended the conduct to occasion that other party to live separately or apart.

(5) This section applies to proceedings by a husband against his wife only where the cause of action arose after the commencement of the Law Reform (Married Persons) Act, 1964.

16в.

Actions by one spouse against the other for negligent use of motor vehicle.

Subst. sec. 18.

Abolition of husband's liability for wife's torts and ante-nuptial obligations. 16B. (1) An action for damages against any person may be commenced and maintained and judgment may be obtained and enforced in respect of bodily injury to, or the death of, any other person caused by or arising out of the use of a registered motor vehicle, notwithstanding that at the date of the bodily injury or of the injury resulting in the death or at any later date such persons were husband and wife.

In this subsection, "registered motor vehicle" means a motor vehicle registered or required to be registered under the Motor Traffic Act, 1909, as amended by subsequent Acts, or the Transport Act, 1930, as amended by subsequent Acts and includes a motor vehicle to which is affixed a special number plate (known as a trader's plate) issued to a manufacturer or repairer of or dealer in motor vehicles in accordance with the regulations under the Motor Traffic Act, 1909, as amended by subsequent Acts.

(2) This section applies only where the cause of action arose after the commencement of the Law Reform (Married Persons) Act, 1964.

(b) by omitting section eighteen and by inserting in lieu thereof the following section : —

18. (1) The husband of a married woman shall not, by reason only of his being her husband, be liable—

- (a) in respect of a tort committed by her, whether before or after the marriage, or in respect of a contract entered into, or debt or obligation incurred, by her before the marriage; or
- (b) to be sued, or made a party to a legal proceeding brought, in respect of any such tort, contract, debt or obligation.

(2) Subsection one of this section does not affect a legal proceeding instituted before the commencement of the Law Reform (Married Persons) Act, 1964. Act No. 17, 1964.

Law Reform (Married Persons).	
(c) by omitting section nineteen;	Sec. 19. (Suits for ante-nuptial
(d) by omitting section twenty.	liabilities.) Sec. 20. (Act of wife liable to criminal proceed-
3. The Motor Vehicles (Third Party Insurance) Act 1942, as amended by subsequent Acts, is amended by inserting	ings.) Amendment of Act No. 5 15, 1942.
in subsection one of section thirty after the words "cannot be found" the words "or is the spouse of the person whose death or to whom bodily injury has been caused".	

The Landlord and Tenant Act of 1899, as amended Amendment 4. by subsequent Acts, is amended by inserting next after section 18, 1899. 2A the following new section : ---

2B. Where the tenant of any dwelling-house separates Wife's from or deserts his wife, leaving the wife in possession rights on of the dwelling-house, the provisions of this Act, and the separation or provisions of any other enactment relating to the recovery desertion. of possession of tenements or to the control of rents and applicable to such dwelling-house, shall, in respect of the period during which such separation or desertion continues, apply as if the wife were the sole tenant of the dwelling-house.

This section applies where the tenant separated from or deserted his wife before or after the commencement of the Law Reform (Married Persons) Act, 1964, but does not apply where the tenant separated from or deserted his wife before such commencement unless the wife was in possession of the premises at such commencement.

In the name and on behalf of Her Majesty I assent to this Act.

> E. W. WOODWARD. Governor.

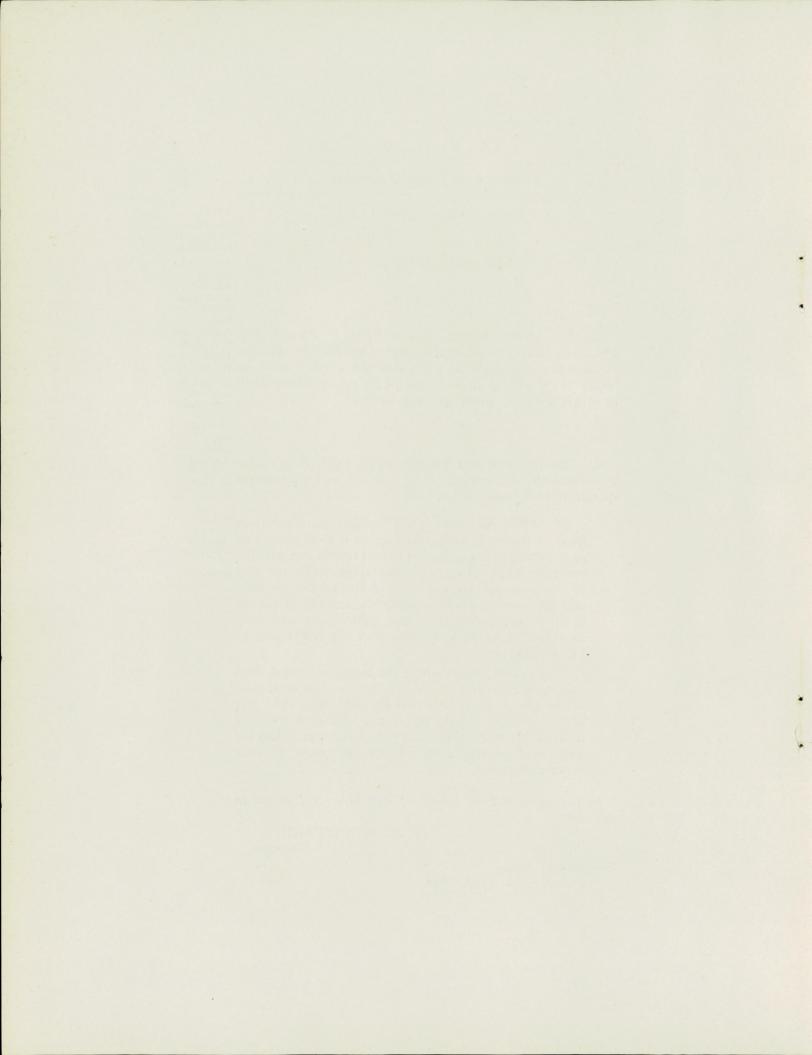
Government House, Sydney, 30th April, 1964.

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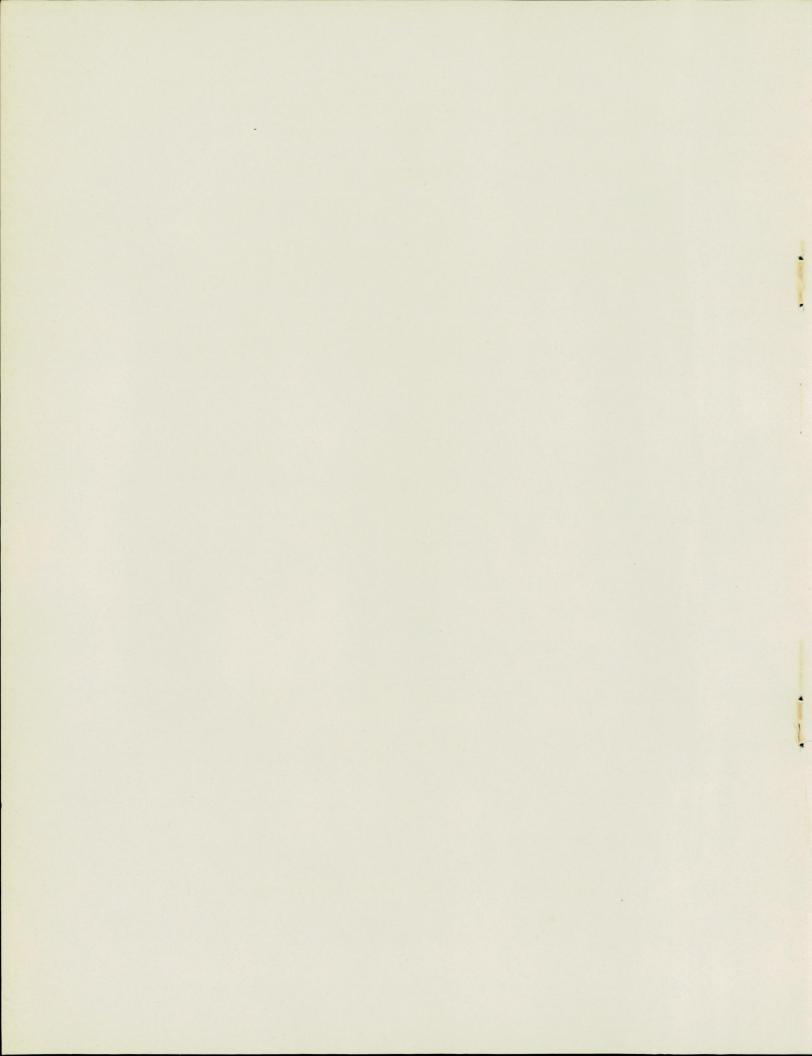
s in of ed ed motor vehicles.)

New sec. 2B.

tenancy





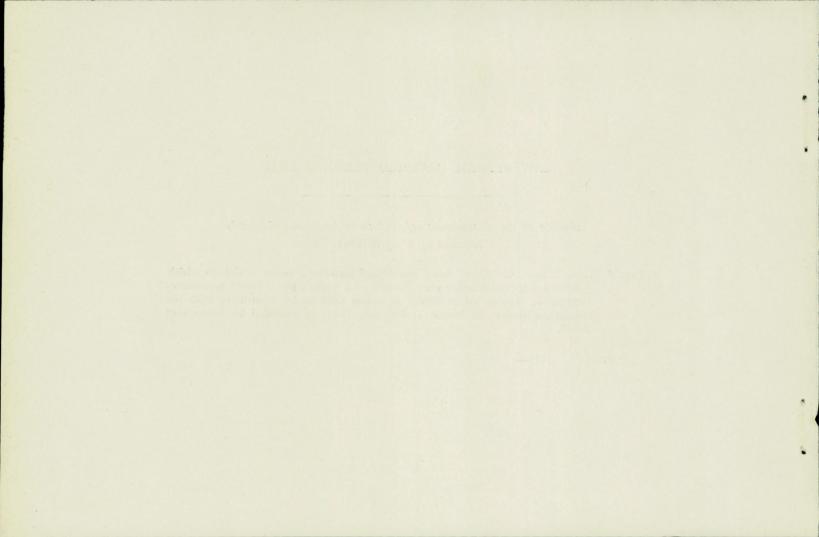


LAW REFORM (MARRIED PERSONS) BILL.

Schedule of the Amendment referred to in Legislative Council's Message of 8 April, 1964.

Page 4, clause 2, line 14. After "Acts" insert "and includes a motor vehicle to which is affixed a special number plate (known as a trader's plate) issued to a manufacturer or repairer of or dealer in motor vehicles in accordance with the regulations under the Motor Traffic Act, 1909, as amended by subsequent Acts".

54767 400-



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 1 April, 1964.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

J. R. STEVENSON, Clerk of the Parliaments.

Legislative Council Chamber, Sydney, 8 April, 1964.



New South Wales

ANNO TERTIO DECIMO ELIZABETHÆ II REGINÆ

Act No. , 1964.

An Act to make further provisions with respect to actions by one spouse against the other; to abolish the liability of a husband for his wife's torts and ante-nuptial contracts, debts and obligations; to confer certain tenancy rights in the matrimonial home on a wife separated from or deserted by her husband; for these and other purposes to amend the Married Women's Property Act, 1901, the Motor Vehicles (Third Party Insurance) Act, 1942, the Landlord and Tenant Act of 1899, and certain other Acts; and for purposes connected therewith.

54767 400-

NOTE.—The words to be inserted are printed in black letter.

 \mathbf{B}^{E} it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as 5 follows :—

1. (1) This Act may be cited as the "Law Reform Short title (Married Persons) Act, 1964".

(2) The Married Women's Property Act, 1901, as amended by subsequent Acts and by this Act, may be cited10 as the Married Persons (Property and Torts) Act, 1901-1964.

(3) The Motor Vehicles (Third Party Insurance) Act, 1942, as amended by subsequent Acts and by this Act, may be cited as the Motor Vehicles (Third Party Insurance) Act, 1942-1964.

15 (4) The Landlord and Tenant Act of 1899, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant Act of 1899-1964.

2. The Married Women's Property Act, 1901, as Amendment of Act No. amended by subsequent Acts, is amended—45, 1901.

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(a) by omitting section sixteen and by inserting in lieu Subst. sec. thereof the following sections : — 16 and new secs. 16A, 16B.

16. Notwithstanding the provisions of section Actions in three of this Act, no husband or wife shall be tort by one spouse entitled to sue the other for a tort except as against provided in section 16A or 16B of this Act.

16A. (1) A husband or wife shall have against Remedies of the other the same civil remedies and remedies and one spouse against the redress by way of criminal proceedings for the other for protection and security of his or her property as if they were both unmarried.

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A wife shall continue to have the same civil remedies and remedies and redress by way of criminal proceedings against persons other than her husband as she had before the commencement of the Law Reform (Married Persons) Act, 1964.

(2) In any proceedings under this section it shall be sufficient to allege that the property is the property of the husband or wife, as the case may be.

(3) No criminal proceedings shall be taken by any husband or wife against the other by virtue of this Act while they are living together as to or concerning any property claimed by him or her, nor while they are living apart, as to or concerning any act done while they were living together concerning property claimed by him or her, unless such property has been wrongfully taken by the husband or wife when leaving or deserting or about to leave or desert the other.

(4) For the purposes of this section, where the conduct of a spouse constitutes just cause or excuse for the other party to the marriage to live separately or apart, and occasions that other party to live separately or apart, that other party shall be deemed to have been deserted by his or her spouse, notwithstanding that such spouse may not in fact have intended the conduct to occasion that other party to live separately or apart.

(5) This section applies to proceedings by a husband against his wife only where the cause of action arose after the commencement of the Law Reform (Married Persons) Act, 1964.

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16B. (1) An action for damages against any Actions by person may be commenced and maintained and one spouse against the judgment may be obtained and enforced in respect other for of bodily injury to, or the death of, any other negligent use of motor person caused by or arising out of the use of a vehicle. registered motor vehicle, notwithstanding that at the date of the bodily injury or of the injury resulting in the death or at any later date such persons were husband and wife.

In this subsection, "registered motor vehicle" means a motor vehicle registered or required to be registered under the Motor Traffic Act, 1909, as amended by subsequent Acts, or the Transport Act, 1930, as amended by subsequent Acts and includes a motor vehicle to which is affixed a special number plate (known as a trader's plate) issued to a manufacturer or repairer of or dealer in motor vehicles in accordance with the regulations under the Motor Traffic Act, 1909, as amended by subsequent Acts.

(2) This section applies only where the cause of action arose after the commencement of the Law Reform (Married Persons) Act, 1964.

- (b) by omitting section eighteen and by inserting in lieu Subst. sec. 18. thereof the following section : ---
 - 18. (1) The husband of a married woman shall Abolition of not, by reason only of his being her husband, be liability liable-

whether before or after the marriage, or in respect of a contract entered into, or debt

or obligation incurred, by her before the

husband's for wife's torts and (a) in respect of a tort committed by her, ante-nuptial obligations.

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(b) to be sued, or made a party to a legal proceeding brought, in respect of any such tort, contract, debt or obligation.

marriage; or

(2) Subsection one of this section does not affect a legal proceeding instituted before the commencement of the Law Reform (Married Persons) Act, 1964.

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(c)

(c) by omitting section nineteen;

(d) by omitting section twenty.

Sec. 19. (Suits for ante-nuptial liabilities.)

Sec. 20. (Act of wife liable to criminal proceedings.)

3. The Motor Vehicles (Third Party Insurance) Act, Amendment 1942, as amended by subsequent Acts, is amended by inserting ^{of Act No.} 15, 1942. 5 in subsection one of section thirty after the words "cannot be sec. 30.

found" the words "or is the spouse of the person whose death (Claims in respect of uninsured)

(Claims in respect of uninsured and unidentified motor vehicles.)

4. The Landlord and Tenant Act of 1899, as amended Amendment by subsequent Acts, is amended by inserting next after section ^{of Act No.} 18, 1899.
 10 2A the following new section : — New sec. 2B.

2B. Where the tenant of any dwelling-house separates Wife's from or deserts his wife, leaving the wife in possession tenancy rights on of the dwelling-house, the provisions of this Act, and the separation provisions of any other enactment relating to the recovery or desertion.

15 of possession of tenements or to the control of rents and applicable to such dwelling-house, shall, in respect of the period during which such separation or desertion continues, apply as if the wife were the sole tenant of the dwelling-house.

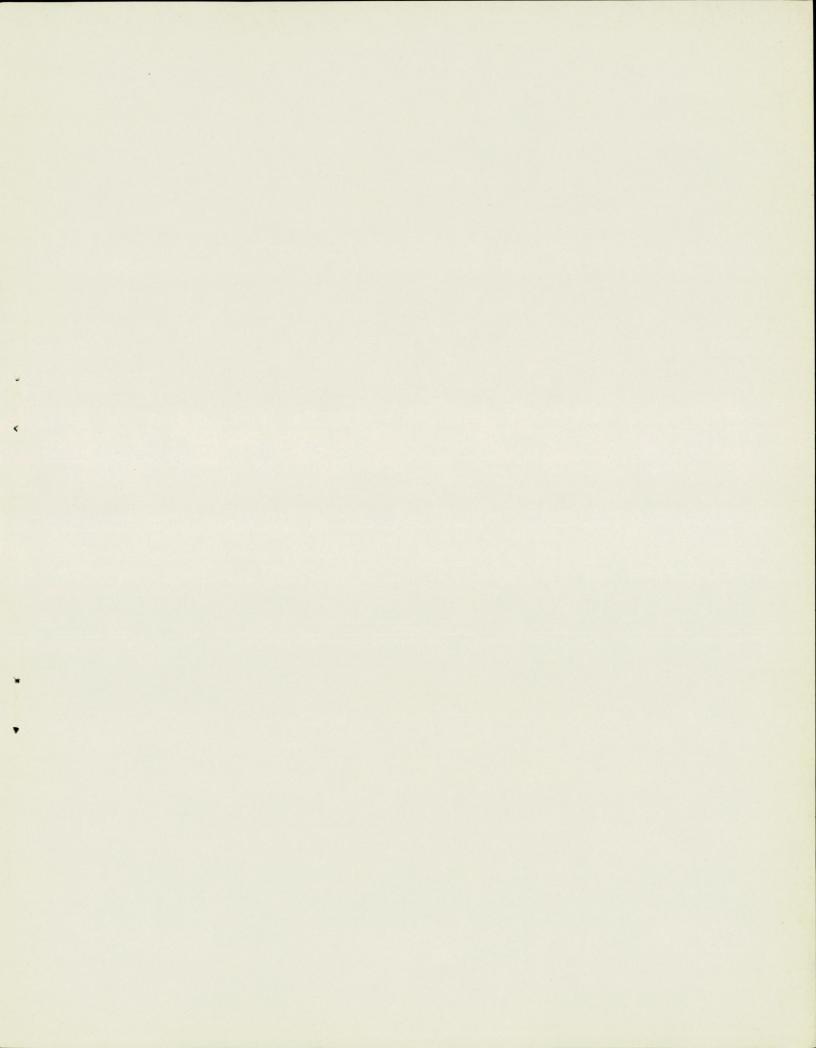
This section applies where the tenant separated from or deserted his wife before or after the commencement of the Law Reform (Married Persons) Act, 1964, but does not apply where the tenant separated from or deserted his wife before such commencement unless the wife was in possession of the premises at such commencement.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964 [8d.]

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING, Clerk of the Legislative Assembly.

Clerk of the Parliaments.

Legislative Assembly Chamber, Sydney, 1 April, 1964.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

Legislative Council Chamber, Sydney, April, 1964.



ANNO TERTIO DECIMO ELIZABETHÆ II REGINÆ

Act No. , 1964.

An Act to make further provisions with respect to actions by one spouse against the other; to abolish the liability of a husband for his wife's torts and ante-nuptial contracts, debts and obligations; to confer certain tenancy rights in the matrimonial home on a wife separated from or deserted by her husband; for these and other purposes to amend the Married Women's Property Act, 1901, the Motor Vehicles (Third Party Insurance) Act, 1942, the Landlord and Tenant Act of 1899, and certain other Acts; and for purposes connected therewith.

54767 400-

BE

NOTE.-The words to be inserted are printed in black letter.

B^E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as 5 follows : --

1. (1) This Act may be cited as the "Law Reform Short title and (Married Persons) Act, 1964". citation.

(2) The Married Women's Property Act, 1901, as amended by subsequent Acts and by this Act, may be cited 10 as the Married Persons (Property and Torts) Act, 1901-1964.

(3) The Motor Vehicles (Third Party Insurance) Act. 1942, as amended by subsequent Acts and by this Act, may be cited as the Motor Vehicles (Third Party Insurance) Act. 1942-1964.

(4) The Landlord and Tenant Act of 1899, as 15 amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant Act of 1899-1964.

2. The Married Women's Property Act, 1901, as Amendment amended by subsequent Acts, is amended-

of Act No. 45, 1901.

A

(a) by omitting section sixteen and by inserting in lieu Subst. sec. thereof the following sections : ---16 and new secs. 16A, 16B.

> 16. Notwithstanding the provisions of section Actions in three of this Act, no husband or wife shall be tort by one spouse entitled to sue the other for a tort except as against the other. provided in section 16A or 16B of this Act.

16A. (1) A husband or wife shall have against Remedies of the other the same civil remedies and remedies and one spouse redress by way of criminal proceedings for the other for protection and security of his or her property as if protection and security they were both unmarried. of property.

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A wife shall continue to have the same civil remedies and remedies and redress by way of criminal proceedings against persons other than her husband as she had before the commencement of the Law Reform (Married Persons) Act, 1964.

(2) In any proceedings under this section it shall be sufficient to allege that the property is the property of the husband or wife, as the case may be.

(3) No criminal proceedings shall be taken by any husband or wife against the other by virtue of this Act while they are living together as to or concerning any property claimed by him or her. nor while they are living apart, as to or concerning any act done while they were living together concerning property claimed by him or her, unless such property has been wrongfully taken by the husband or wife when leaving or deserting or about to leave or desert the other.

(4) For the purposes of this section, where the conduct of a spouse constitutes just cause or excuse for the other party to the marriage to live separately or apart, and occasions that other party to live separately or apart, that other party shall be deemed to have been deserted by his or her spouse, notwithstanding that such spouse may not in fact have intended the conduct to occasion that other party to live separately or apart.

(5) This section applies to proceedings by a husband against his wife only where the cause of action arose after the commencement of the Law Reform (Married Persons) Act, 1964.

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16B. (1) An action for damages against any Actions by person may be commenced and maintained and one spouse against the judgment may be obtained and enforced in respect other for of bodily injury to, or the death of, any other use of motor person caused by or arising out of the use of a vehicle. registered motor vehicle, notwithstanding that at the date of the bodily injury or of the injury resulting in the death or at any later date such persons were husband and wife.

In this subsection, "registered motor vehicle" means a motor vehicle registered or required to be registered under the Motor Traffic Act, 1909, as amended by subsequent Acts, or the Transport Act, 1930, as amended by subsequent Acts and includes a motor vehicle to which is affixed a special number plate (known as a trader's plate) issued to a manufacturer or repairer of or dealer in motor vehicles in accordance with the regulations under the Motor Traffic Act, 1909, as amended by subsequent Acts.

(2) This section applies only where the cause of action arose after the commencement of the Law Reform (Married Persons) Act, 1964.

- (b) by omitting section eighteen and by inserting in lieu Subst. thereof the following section : —
 - 18. (1) The husband of a married woman shall Abolition of not, by reason only of his being her husband, be husband's liability for wife's torts and
 - (a) in respect of a tort committed by her, ante-nuptial whether before or after the marriage, or in ^{obligations.} respect of a contract entered into, or debt or obligation incurred, by her before the marriage; or
 - (b) to be sued, or made a party to a legal proceeding brought, in respect of any such tort, contract, debt or obligation.

(2) Subsection one of this section does not affect a legal proceeding instituted before the commencement of the Law Reform (Married Persons) Act, 1964.

(c)

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Law Reform (Married Persons).	
(c) by omitting section nineteen;	Sec. 19. (Suits for ante-nuptial liabilities.)
(d) by omitting section twenty.	Sec. 20. (Act of wife liable to criminal proceed- ings.)
3. The Motor Vehicles (Third Party Insurance) Act, 1942, as amended by subsequent Acts, is amended by inserting in subsection one of section thirty after the words "cannot be found" the words "or is the spouse of the person whose death	of Act No. 15, 1942. Sec. 30.

found" the words "or is the spouse of the person whose death (Claims in respect of uninsured)

respect of uninsured and unidentified motor vehicles.)

4. The Landlord and Tenant Act of 1899, as amended Amendment by subsequent Acts, is amended by inserting next after section ^{of Act No.} 18, 1899.
 10 2A the following new section : — New sec. 2B.

2B. Where the tenant of any dwelling-house separates Wife's from or deserts his wife, leaving the wife in possession rights on of the dwelling-house, the provisions of this Act, and the separation provisions of any other enactment relating to the recovery or desertion.

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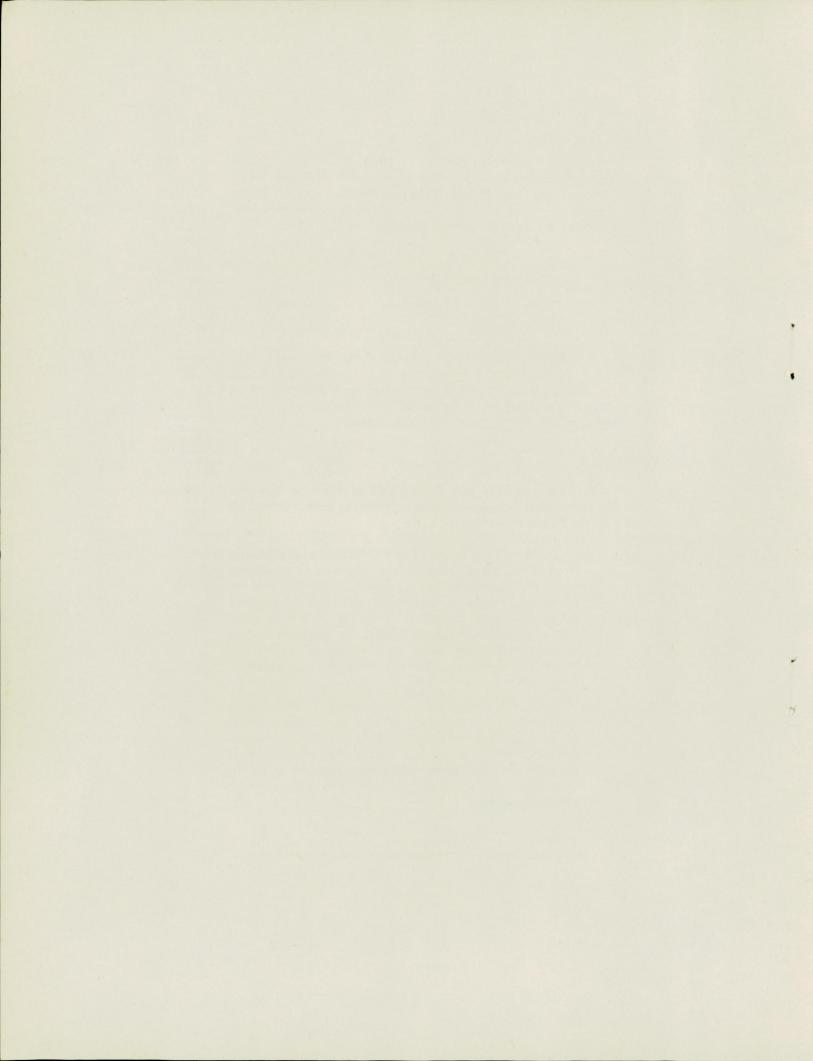
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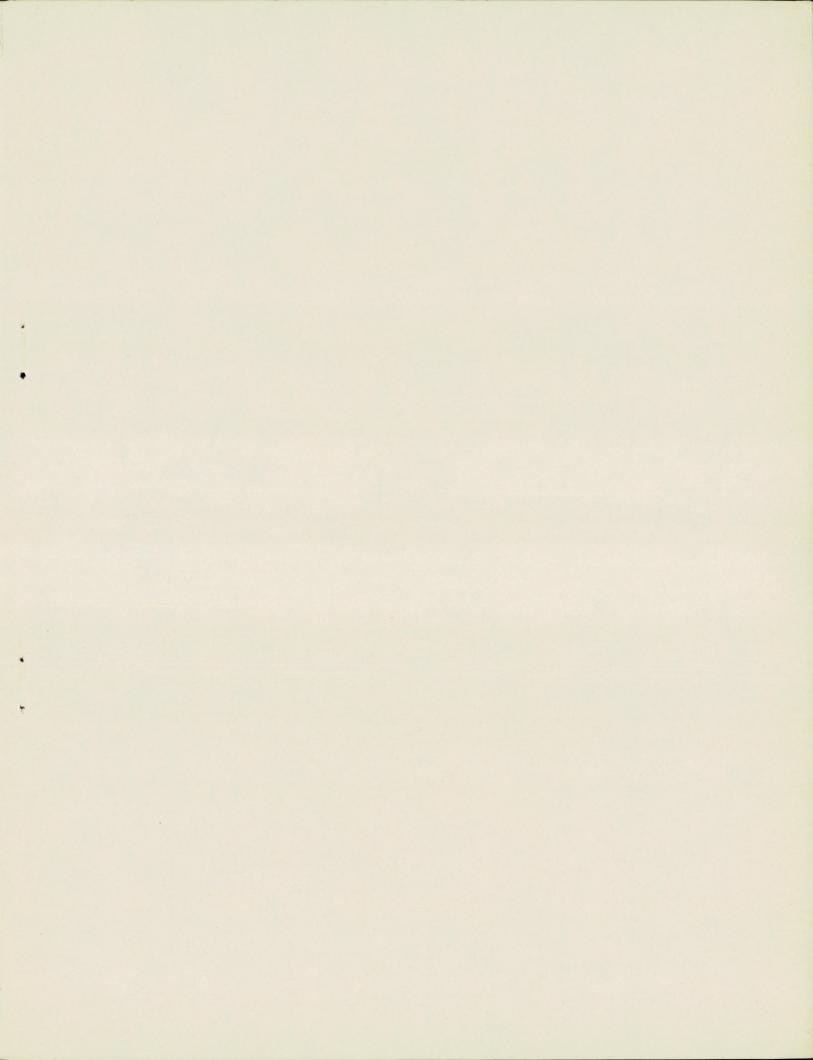
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of possession of tenements or to the control of rents and applicable to such dwelling-house, shall, in respect of the period during which such separation or desertion continues, apply as if the wife were the sole tenant of the dwelling-house.

This section applies where the tenant separated from or deserted his wife before or after the commencement of the Law Reform (Married Persons) Act, 1964, but does not apply where the tenant separated from or deserted his wife before such commencement unless the wife was in possession of the premises at such commencement.

BY AUTHORITY: V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES-1964





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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 1 April, 1964.

New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1964.

An Act to make further provisions with respect to actions by one spouse against the other; to abolish the liability of a husband for his wife's torts and ante-nuptial contracts, debts and obligations; to confer certain tenancy rights in the matrimonial home on a wife separated from or deserted by her husband; for these and other purposes to amend the Married Women's Property Act, 1901, the Motor Vehicles (Third Party Insurance) Act, 1942, the Landlord and Tenant Act of 1899, and certain other Acts; and for purposes connected therewith.

54767 400-

B^E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as 5 follows:—

1. (1) This Act may be cited as the "Law Reform Short title (Married Persons) Act, 1964".

(2) The Married Women's Property Act, 1901, as amended by subsequent Acts and by this Act, may be cited10 as the Married Persons (Property and Torts) Act, 1901-1964.

(3) The Motor Vehicles (Third Party Insurance) Act, 1942, as amended by subsequent Acts and by this Act, may be cited as the Motor Vehicles (Third Party Insurance) Act, 1942-1964.

15 (4) The Landlord and Tenant Act of 1899, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant Act of 1899-1964.

2. The Married Women's Property Act, 1901, as Amendment of Act No. amended by subsequent Acts, is amended—

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(a) by omitting section sixteen and by inserting in lieu Subst. sec. thereof the following sections : — 16 and new secs. 16A,

16. Notwithstanding the provisions of section Actions in three of this Act, no husband or wife shall be tort by one spouse entitled to sue the other for a tort except as against provided in section 16A or 16B of this Act.

16B.

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16A. (1) A husband or wife shall have against Remedies of the other the same civil remedies and remedies and redress by way of criminal proceedings for the other for protection and security of his or her property as if they were both unmarried.

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A wife shall continue to have the same civil remedies and remedies and redress by way of criminal proceedings against persons other than her husband as she had before the commencement of the Law Reform (Married Persons) Act, 1964.

(2) In any proceedings under this section it shall be sufficient to allege that the property is the property of the husband or wife, as the case may be.

(3) No criminal proceedings shall be taken by any husband or wife against the other by virtue of this Act while they are living together as to or concerning any property claimed by him or her, nor while they are living apart, as to or concerning any act done while they were living together concerning property claimed by him or her, unless such property has been wrongfully taken by the husband or wife when leaving or deserting or about to leave or desert the other.

(4) For the purposes of this section, where the conduct of a spouse constitutes just cause or excuse for the other party to the marriage to live separately or apart, and occasions that other party to live separately or apart, that other party shall be deemed to have been deserted by his or her spouse, notwithstanding that such spouse may not in fact have intended the conduct to occasion that other party to live separately or apart.

(5) This section applies to proceedings by a husband against his wife only where the cause of action arose after the commencement of the Law Reform (Married Persons) Act, 1964.

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16B. (1) An action for damages against any Actions by person may be commenced and maintained and against the judgment may be obtained and enforced in respect other for of bodily injury to, or the death of, any other negligent use of motor person caused by or arising out of the use of a vehicle. registered motor vehicle, notwithstanding that at the date of the bodily injury or of the injury resulting in the death or at any later date such persons were husband and wife.

In this subsection, "registered motor vehicle" means a motor vehicle registered or required to be registered under the Motor Traffic Act, 1909, as amended by subsequent Acts, or the Transport Act, 1930, as amended by subsequent Acts.

(2) This section applies only where the cause of action arose after the commencement of the Law Reform (Married Persons) Act, 1964.

- (b) by omitting section eighteen and by inserting in lieu Subst. thereof the following section : —
 - 18. (1) The husband of a married woman shall Abolition of not, by reason only of his being her husband, be husband's liability for wife's torts and
 - (a) in respect of a tort committed by her, obligations.
 whether before or after the marriage, or in respect of a contract entered into, or debt or obligation incurred, by her before the marriage; or
 - (b) to be sued, or made a party to a legal proceeding brought, in respect of any such tort, contract, debt or obligation.

(2) Subsection one of this section does not affect a legal proceeding instituted before the commencement of the Law Reform (Married Persons) Act, 1964.

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(c) by omitting section nineteen;

(d) by omitting section twenty.

or to whom bodily injury has been caused".

Sec. 19. (Suits for ante-nuptial liabilities.)

Sec. 20. (Act of wife liable to criminal proceedings.)

The Motor Vehicles (Third Party Insurance) Act, Amendment 1942, as amended by subsequent Acts, is amended by inserting ^{of Act No.} 15, 1942.
 in subsection one of section thirty after the words "cannot be Sec. 30. found" the words "or is the spouse of the person whose death (Claims in

respect of uninsured and unidentified motor vehicles.)

4. The Landlord and Tenant Act of 1899, as amended Amendment by subsequent Acts, is amended by inserting next after section ^{of Act No.} 18, 1899.
 10 2A the following new section : — New sec. 2B.

2B. Where the tenant of any dwelling-house separates Wife's from or deserts his wife, leaving the wife in possession rights on of the dwelling-house, the provisions of this Act, and the separation provisions of any other enactment relating to the recovery or desertion.

of possession of tenements or to the control of rents and applicable to such dwelling-house, shall, in respect of the period during which such separation or desertion continues, apply as if the wife were the sole tenant of the dwelling-house.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964 [8d.]

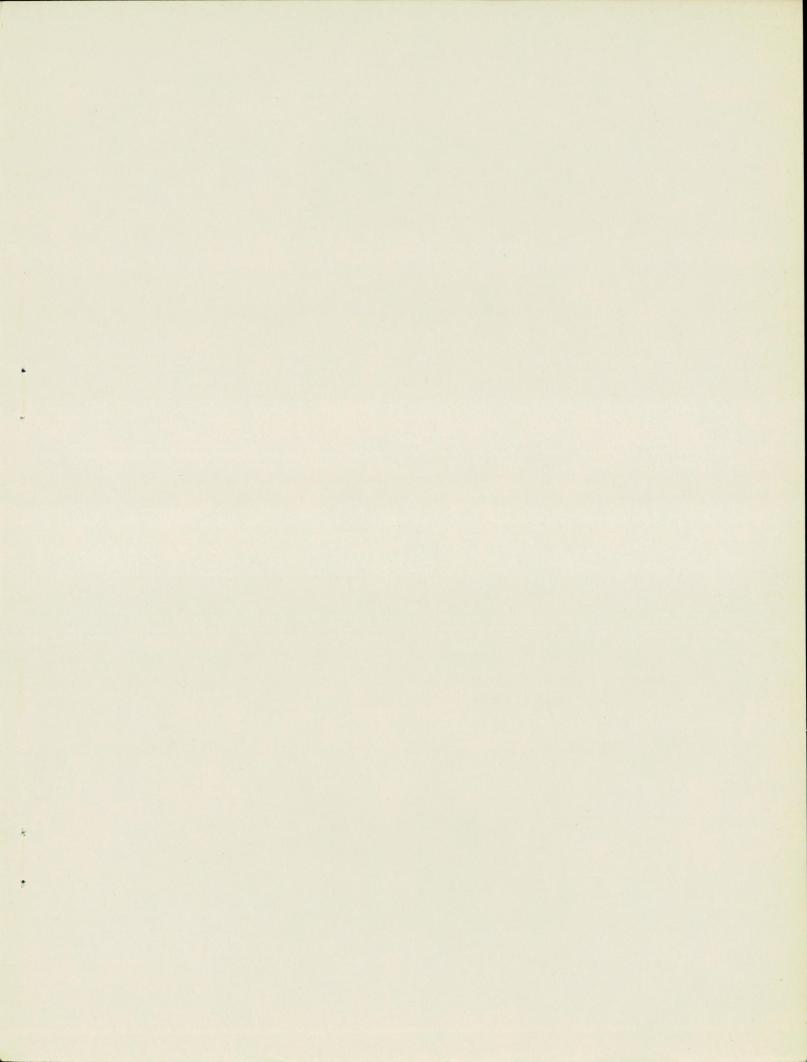
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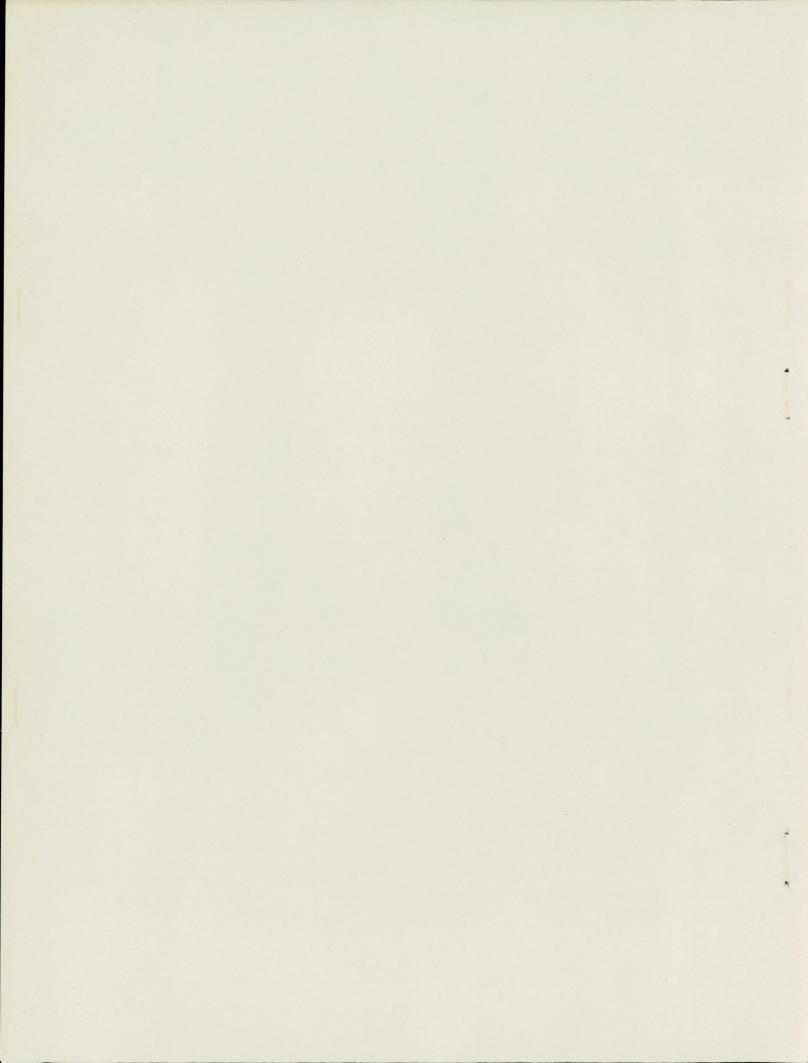
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No. , 1964.

A BILL

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[MR. MANNIX;-18 March, 1964.]

54767 400-

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1. (1) This Act may be cited as the "Law Reform Short title (Married Persons) Act, 1964".

(2) The Married Women's Property Act, 1901, as amended by subsequent Acts and by this Act, may be cited10 as the Married Persons (Property and Torts) Act, 1901-1964.

(3) The Motor Vehicles (Third Party Insurance) Act, 1942, as amended by subsequent Acts and by this Act, may be cited as the Motor Vehicles (Third Party Insurance) Act, 1942-1964.

15 (4) The Landlord and Tenant Act of 1899, as amended by subsequent Acts and by this Act, may be cited as the Landlord and Tenant Act of 1899-1964.

2. The Married Women's Property Act, 1901, as Amendment amended by subsequent Acts, is amended— of Act No. 45, 1901.

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(a) by omitting section sixteen and by inserting in lieu Subst. sec.
 16 and new secs. 16A, 16B

16. Notwithstanding the provisions of section Actions in three of this Act, no husband or wife shall be tort by one spouse entitled to sue the other for a tort except as against provided in section 16A or 16B of this Act.

16A. (1) A husband or wife shall have against Remedies of the other the same civil remedies and remedies and one spouse redress by way of criminal proceedings for the protection and security of his or her property as if they were both unmarried.

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A wife shall continue to have the same civil remedies and remedies and redress by way of criminal proceedings against persons other than her husband as she had before the commencement of the Law Reform (Married Persons) Act, 1964.

(2) In any proceedings under this section it shall be sufficient to allege that the property is the property of the husband or wife, as the case may be.

(3) No criminal proceedings shall be taken by any husband or wife against the other by virtue of this Act while they are living together as to or concerning any property claimed by him or her, nor while they are living apart, as to or concerning any act done while they were living together concerning property claimed by him or her, unless such property has been wrongfully taken by the husband or wife when leaving or deserting or about to leave or desert the other.

(4) For the purposes of this section, where the conduct of a spouse constitutes just cause or excuse for the other party to the marriage to live separately or apart, and occasions that other party to live separately or apart, that other party shall be deemed to have been deserted by his or her spouse, notwithstanding that such spouse may not in fact have intended the conduct to occasion that other party to live separately or apart.

(5) This section applies to proceedings by a husband against his wife only where the cause of action arose after the commencement of the Law Reform (Married Persons) Act, 1964.

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16B. (1) An action for damages against any Actions by person may be commenced and maintained and one spouse against the judgment may be obtained and enforced in respect other for of bodily injury to, or the death of, any other use of motor person caused by or arising out of the use of a vehicle. registered motor vehicle, notwithstanding that at the date of the bodily injury or of the injury resulting in the death or at any later date such persons were husband and wife.

In this subsection, "registered motor vehicle" means a motor vehicle registered or required to be registered under the Motor Traffic Act, 1909, as amended by subsequent Acts, or the Transport Act, 1930, as amended by subsequent Acts.

(2) This section applies only where the cause of action arose after the commencement of the Law Reform (Married Persons) Act. 1964.

- (b) by omitting section eighteen and by inserting in lieu Subst. sec. 18. thereof the following section : ----
 - 18. (1) The husband of a married woman shall Abolition of not, by reason only of his being her husband, be husband's liability for wife's liable-

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- (a) in respect of a tort committed by her, obligations. whether before or after the marriage, or in respect of a contract entered into, or debt or obligation incurred, by her before the marriage; or
- (b) to be sued, or made a party to a legal proceeding brought, in respect of any such tort, contract, debt or obligation.

(2) Subsection one of this section does not affect a legal proceeding instituted before the commencement of the Law Reform (Married Persons) Act, 1964.

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Sec. 30. (Claims in respect of uninsured and unidentified motor vehicles.)

4. The Landlord and Tenant Act of 1899, as amended Amendment by subsequent Acts, is amended by inserting next after section ^{of Act No.} 18, 1899.
 10 2A the following new section : — New sec. 2B.

2B. Where the tenant of any dwelling-house separates wife's from or deserts his wife, leaving the wife in possession rights on of the dwelling-house, the provisions of this Act, and the separation provisions of any other enactment relating to the recovery or desertion.

of possession of tenements or to the control of rents and applicable to such dwelling-house, shall, in respect of the period during which such separation or desertion continues, apply as if the wife were the sole tenant of the dwelling-house.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964 [8d.]

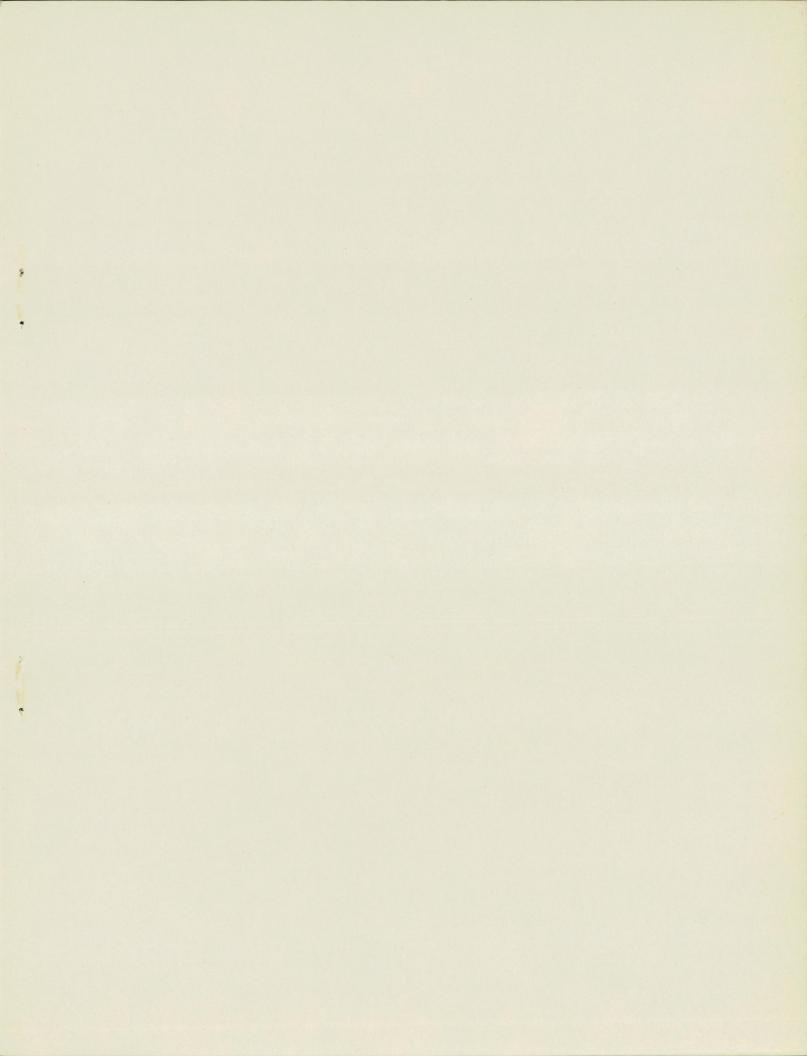
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PROOF

No. , 1964.

A BILL

To make further provisions with respect to actions by one spouse against the other; to abolish the liability of a husband for his wife's torts and ante-nuptial contracts, debts and obligations; to confer certain tenancy rights in the matrimonial home on a wife separated from or deserted by her husband; for these and other purposes to amend the Married Women's Property Act, 1901, the Motor Vehicles (Third Party Insurance) Act, 1942, the Landlord and Tenant Act of 1899, and certain other Acts; and for purposes connected therewith.

[MR. MANNIX;-18 March, 1964.]

54767 400-

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1. (1) This Act may be cited as the "Law Reform Short title. and (Married Persons) Act, 1964". citation.

(2) The Married Women's Property Act, 1901, as amended by subsequent Acts and by this Act, may be cited 10 as the Married Persons (Property and Torts) Act, 1901-1964.

(3) The Motor Vehicles (Third Party Insurance) Act, 1942, as amended by subsequent Acts and by this Act, may be cited as the Motor Vehicles (Third Party Insurance) Act, 1942-1964.

2. The Married Women's Property Act, 1901, as Amendment. amended by subsequent Acts, is amended-

of Act No. 45, 1901.

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(a) by omitting section sixteen and by inserting in lieu Subst. sec. 16 and new thereof the following sections : --secs. 16A, 16B.

> 16. Notwithstanding the provisions of section Actions in three of this Act, no husband or wife shall be tort by one entitled to sue the other for a tort except as against the other. provided in section 16A or 16B of this Act.

16A. (1) A husband or wife shall have against Remedies of the other the same civil remedies and remedies and one spouse redress by way of criminal proceedings for the other for protection and security of his or her property as if protection and security they were both unmarried. of property.

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⁽⁴⁾ The Landlord and Tenant Act, 1899, as amended 15 by subsequent Acts and by this Act, may be cited as the Landlord and Tenant Act of 1899-1964.

A wife shall continue to have the same civil remedies and remedies and redress by way of criminal proceedings against persons other than her husband as she had before the commencement of the Law Reform (Married Persons) Act, 1964.

(2) In any proceedings under this section it shall be sufficient to allege that the property is the property of the husband or wife, as the case may be.

(3) No criminal proceedings shall be taken by any husband or wife against the other by virtue of this Act while they are living together as to or concerning any property claimed by him or her, nor while they are living apart, as to or concerning any act done while they were living together concerning property claimed by him or her, unless such property has been wrongfully taken by the husband or wife when leaving or deserting or about to leave or desert the other.

(4) For the purposes of this section, where the conduct of a spouse constitutes just cause or excuse for the other party to the marriage to live separately or apart, and occasions that other party to live separately or apart, that other party shall be deemed to have been deserted by his or her spouse, notwithstanding that such spouse may not in fact have intended the conduct to occasion that other party to live separately or apart.

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(d) by omitting section twenty.	Sec. 20. (Act of wife liable to criminal proceed- ings.)
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in f d identified motor vehicles.)

4. The Landlord and Tenant Act of 1899, as amended Amendment by subsequent Acts, is amended by inserting next after section $\frac{\text{of Act No.}}{18, 1899.}$ 10 2A the following new section : --New sec. 2B.

> 2B. Where the tenant of any dwelling-house separates wife's from or deserts his wife, leaving the wife in possession tenancy of the dwelling-house, the provisions of this Act, and the separation provisions of any other enactment relating to the recovery or desertion.

of possession of tenements or to the control of rents and applicable to such dwelling-house, shall, in respect of the period during which such separation or desertion continues, apply as if the wife were the sole tenant of the dwelling-house.

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BY AUTHORITY: V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES-1964

16B. (1) An action for damages against any Actions by person may be commenced and maintained and one spouse judgment may be obtained and enforced in respect other for of bodily injury to, or the death of, any other use of motor person caused by or arising out of the use of a vehicle. registered motor vehicle, notwithstanding that at the date of the bodily injury or of the injury resulting in the death or at any later date such persons were husband and wife.

- In this subsection, "registered motor vehicle" means a motor vehicle registered or required to be registered under the Motor Traffic Act, 1909, as amended by subsequent Acts, or the Transport Act, 1930, as amended by subsequent Acts.
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 - 18. (1) The husband of a married woman shall Abolition of not, by reason only of his being her husband, be husband's liability for wife's liable-

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- (a) in respect of a tort committed by her, obligations. whether before or after the marriage, or in respect of a contract entered into, or debt or obligation incurred, by her before the marriage; or
- (b) to be sued, or made a party to a legal proceeding brought, in respect of any such tort, contract, debt or obligation.

(2) Subsection one of this section does not affect a legal proceeding instituted before the commencement of the Law Reform (Married Persons) Act, 1964.

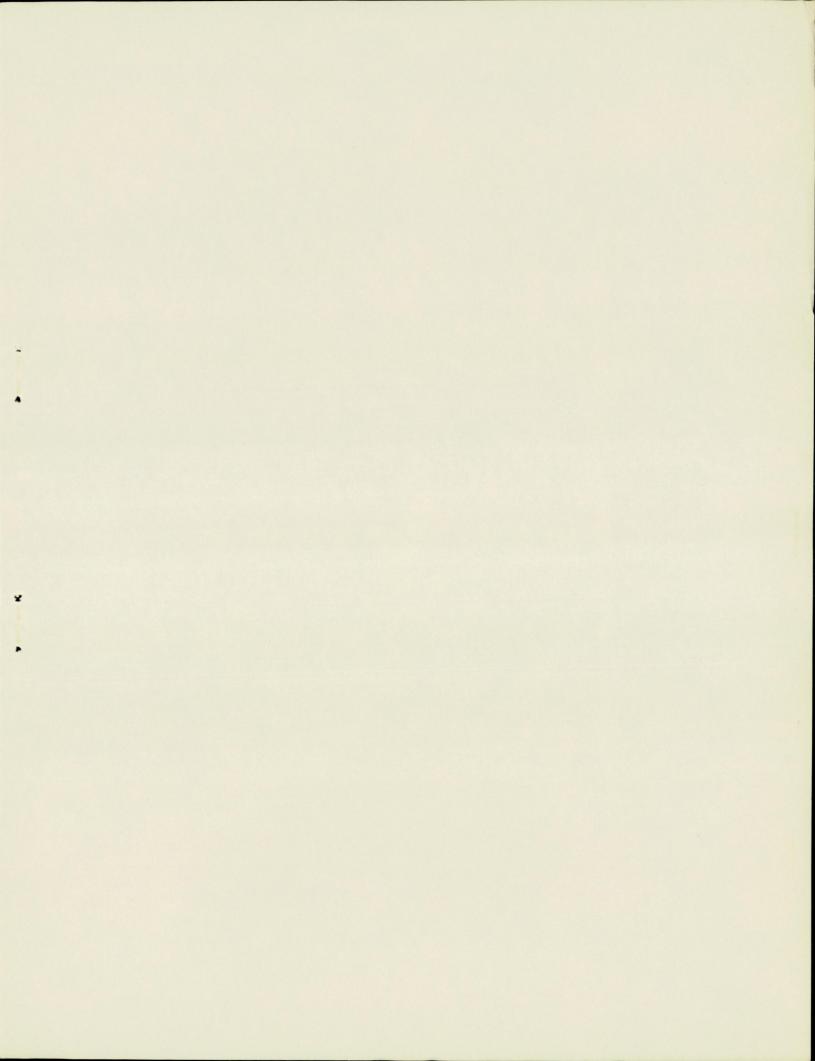
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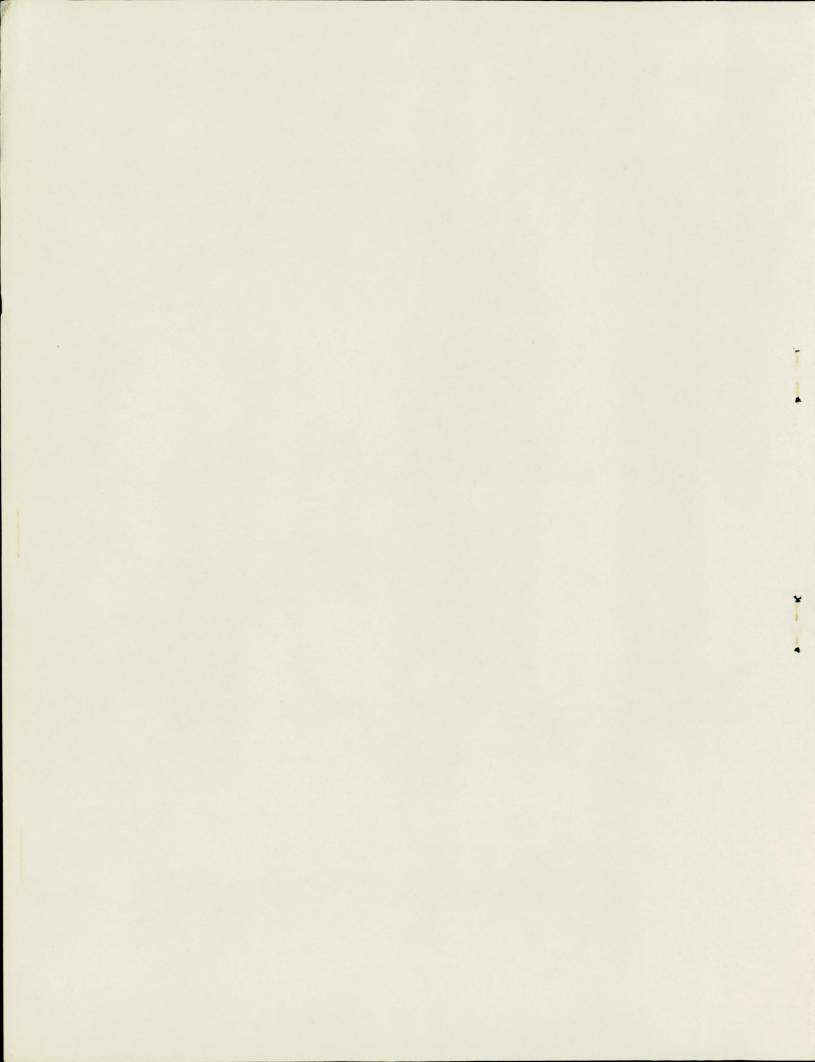
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LAW REFORM (MARRIED PERSONS) BILL, 1964.

EXPLANATORY NOTE.

THE objects of this Bill are-

- (a) to give a husband the same rights against his wife for the protection and security of his property as she has against him;
- (b) to authorise an action by one spouse against another where injury to the plaintiff spouse was caused by or arose out of the use of a motor vehicle;
- (c) to abolish a husband's liability for his wife's torts and for her ante-nuptial contracts, debts and obligations;
- (d) to enable claims for damages in respect of the death of or bodily injury to any person caused by or arising out of the use of an uninsured motor vehicle to be made to the nominal defendant, where the owner or driver of the motor vehicle is the spouse of the person whose death or to whom bodily injury has been caused;
- (e) to deem a wife, who is separated from or has been deserted by her husband and has been left by him in possession of a dwelling-house, to be the tenant of such dwelling-house for the purpose of any statutory provisions relating to the recovery of possession of premises and the control of rents; and
- (f) to make other provisions of a minor or ancillary character.

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