

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.]

Law Reform (Married Persons).

BE 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
of Act No.
45, 1901.

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

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

(a) by omitting section sixteen and by inserting in lieu thereof the following sections : —

Actions in
tort by one
spouse
against
the other.

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.

Remedies of
one spouse
against the
other for
protection
and security
of property.

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.

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.

Law Reform (Married Persons).

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

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.

**Subst.
sec. 18.**

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

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

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.

(c)

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 proceedings.)

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 or to whom bodily injury has been caused".

Amendment of Act No. 15, 1942.

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

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

Amendment of Act No. 18, 1899.

New sec. 2B.

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

Wife's tenancy rights on separation or desertion.

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

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE 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.

Law Reform (Married Persons).

BE 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
of Act No.
45, 1901.

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

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

(a) by omitting section sixteen and by inserting in lieu thereof the following sections :—

Actions in
tort by one
spouse
against
the other.

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.

Remedies of
one spouse
against the
other for
protection
and security
of property.

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.

A

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.

Law Reform (Married Persons).

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

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.

Subst.
sec. 18.

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

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

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.

(c)

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 proceedings.)

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 or to whom bodily injury has been caused".

Amendment of Act No. 15, 1942.
Sec. 30.

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

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

Amendment of Act No. 18, 1899.
New sec. 2B.

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

Wife's tenancy rights on separation or desertion.

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.*

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".*

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

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.

Law Reform (Married Persons).

BE 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". and
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.

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.

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

25 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 spouse
provided in section 16A or 16B of this Act. against
the other.

30 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 against the
protection and security of his or her property as if other for
they were both unmarried. protection
and security
of property.

Law Reform (Married Persons).

5 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.

10 (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
15 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.

20 (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
25 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.

30 (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.

Law Reform (Married Persons).

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.

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

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 :—

Subst. sec. 18.

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

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

(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.

(c)

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 proceedings.)

3. The Motor Vehicles (Third Party Insurance) Act, 1942, as amended by subsequent Acts, is amended by inserting 5 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".

Amendment of Act No. 15, 1942.
Sec. 30.
(Claims in respect of uninsured and unidentified motor vehicles.)

4. The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended by inserting next after section 10 2A the following new section :—

Amendment of Act No. 18, 1899.
New sec. 2B.

15 2B. Where the tenant of any dwelling-house separates from or deserts his wife, leaving the wife in possession of the dwelling-house, the provisions of this Act, and the provisions of any other enactment relating to the recovery 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.

Wife's tenancy rights on separation or desertion.

20 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 25 wife was in possession of the premises at such commencement.

BY AUTHORITY:

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

[8d.]

for
capital
(less)
20
of
e table
original
each
a)
endment
Act No.
1942
30
time in
out of
issued
un-
filled
for
(less)
endment
Act No.
1942
30

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.*

*Legislative Council Chamber,
Sydney, April, 1964.*

Clerk of the Parliaments.

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—

BE

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

Law Reform (Married Persons).

BE 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".

Short title
and
citation.

(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.

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

Amendment
of Act No.
45, 1901.

(a) by omitting section sixteen and by inserting in lieu thereof the following sections :—

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

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.

Actions in
tort by one
spouse
against
the other.

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.

Remedies of
one spouse
against the
other for
protection
and security
of property.

A

Law Reform (Married Persons).

5 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.

10 (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
15 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.

20 (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
25 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.

30 (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.

Law Reform (Married Persons).

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.

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

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 : —

Subst.
sec. 18.

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

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

- (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.

(c)

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 proceedings.)

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 or to whom bodily injury has been caused".

Amendment of Act No. 15, 1942.
Sec. 30.
(Claims in respect of uninsured and unidentified motor vehicles.)

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

Amendment of Act No. 18, 1899.
New sec. 2B.

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

Wife's tenancy rights on separation or desertion.

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

THE HOUSE OF REPRESENTATIVES
IN SENATE AND HOUSE OF REPRESENTATIVES
OF THE STATE OF NEW YORK

REPORT
OF THE

COMMISSIONER OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION
PASSED BY THE SENATE AND HOUSE OF REPRESENTATIVES
ON JANUARY 1, 1894

ALBANY:
PUBLISHED BY THE STATE OF NEW YORK
1894

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.

Law Reform (Married Persons).

BE 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". Short title
and
citation.

(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.

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

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

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. Actions in
tort by one
spouse
against
the other.

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. Remedies of
one spouse
against the
other for
protection
and security
of property.

Law Reform (Married Persons).

5 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.

10 (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
15 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.

20 (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
25 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.

30 (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.

Law Reform (Married Persons).

5 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.

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

10 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.

15 (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 : —

Subst.
sec. 18.

20 18. (1) The husband of a married woman shall not, by reason only of his being her husband, be liable—

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

25 (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

30 (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)

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 proceedings.)

3. The Motor Vehicles (Third Party Insurance) Act, 1942, as amended by subsequent Acts, is amended by inserting
5 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".

Amendment of Act No. 15, 1942.
Sec. 30.
(Claims in respect of uninsured and unidentified motor vehicles.)

4. The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended by inserting next after section
10 2A the following new section :—

Amendment of Act No. 18, 1899.
New sec. 2B.

15 2B. Where the tenant of any dwelling-house separates from or deserts his wife, leaving the wife in possession of the dwelling-house, the provisions of this Act, and the provisions of any other enactment relating to the recovery 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.

Wife's tenancy rights on separation or desertion.

20 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
25 wife was in possession of the premises at such commencement.

BY AUTHORITY:

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

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.]

Law Reform (Married Persons).

BE 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".

Short title
and
citation.

(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.

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

Amendment
of Act No.
45, 1901.

(a) by omitting section sixteen and by inserting in lieu thereof the following sections :—

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

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.

Actions in
tort by one
spouse
against
the other.

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.

Remedies of
one spouse
against the
other for
protection
and security
of property.

A

Law Reform (Married Persons).

5 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.

10 (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
15 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.

20 (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
25 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.

30 (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.

Law Reform (Married Persons).

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.

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

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 thereof the following section :—

Subst.
sec. 18.

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

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

(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.

(c)

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 proceedings.)

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 or to whom bodily injury has been caused".

Amendment of Act No. 15, 1942.
Sec. 30.
(Claims in respect of uninsured and unidentified motor vehicles.)

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

Amendment of Act No. 18, 1899.
New sec. 2B.

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

Wife's tenancy rights on separation or desertion.

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.]

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.]

Law Reform (Married Persons).

BE 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".

Short title and citation.

(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, 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 amended by subsequent Acts, is amended—

Amendment of Act No. 45, 1901.

(a) by omitting section sixteen and by inserting in lieu thereof the following sections:—

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

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.

Actions in tort by one spouse against the other.

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.

Remedies of one spouse against the other for protection and security of property.

A

Law Reform (Married Persons).

5 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.

10 (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
15 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.

20 (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
25 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.

30 (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.

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 proceedings.)

3. The Motor Vehicles (Third Party Insurance) Act, 1942, as amended by subsequent Acts, is amended by inserting
5 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".

Amendment of Act No. 15, 1942.
Sec. 30.
(Claims in respect of uninsured and unidentified motor vehicles.)

4. The Landlord and Tenant Act of 1899, as amended
by subsequent Acts, is amended by inserting next after section
10 2A the following new section :—

Amendment of Act No. 18, 1899.
New sec. 2B.

15 2B. Where the tenant of any dwelling-house separates from or deserts his wife, leaving the wife in possession of the dwelling-house, the provisions of this Act, and the provisions of any other enactment relating to the recovery
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.

Wife's tenancy rights on separation or desertion.

20 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
25 wife was in possession of the premises at such commencement.

BY AUTHORITY:

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

Law Reform (Married Persons).

5 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.

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

10 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.

15 (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 :—

Subst. sec. 18.

20 18. (1) The husband of a married woman shall not, by reason only of his being her husband, be liable—

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

25 (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

30 (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)

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.

