

*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 24 September, 1968.*

## New South Wales



ANNO SEPTIMO DECIMO

## ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No. , 1968.

An Act to make provision with respect to certain rights and liabilities of innkeepers and persons having dealings with innkeepers; to repeal the Innkeepers' Liability Act, 1902; to amend the Liquor Act, 1912, as subsequently amended; and for purposes connected therewith.

**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 "Innkeepers Act, 1968".
- (2) Short title and commencement.

*Innkeepers.*

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Innkeepers' Liability Act, 1902, is hereby Repeal.  
5 repealed.

3. (1) In this Act—

“inn” means a common inn;

“innkeeper” means the keeper of an inn.

Interpreta-  
tion and  
construction  
of Act.

(2) Nothing in this Act shall be construed as  
10 affecting—

(a) any right, liability or legal proceeding saved by the Interpretation Act of 1897, as subsequently amended;

15 (b) any lien that took effect before the commencement of this Act; or

(c) the liability of any person for loss of, or damage to, property caused before or after the commencement of this Act by his default, neglect or wilful act, or that of his servant.

20 4. For the purposes of this Act, a traveller shall be deemed to be a guest at an inn only where sleeping accom-  
modation at the inn has been engaged by or for him and, where such accommodation has been so engaged, shall be deemed to be such a guest during the period—  
Meaning of “guest”.

25 (a) commencing—

(i) where this Act commences on a day on which he is entitled pursuant to that engagement to use that sleeping accommodation as a traveller—at the commencement of this Act; or

30

(ii)

*Innkeepers.*

- (ii) where the day on which he becomes so entitled is a day that is later than the day on which this Act commences—at the commencement of that later day; and
  - 5 (b) ending—
    - (i) where this Act commences on the day on which he ceases to be so entitled—at the expiration of that day; or
    - 10 (ii) where the day on which he ceases to be so entitled is a day that is later than the day on which this Act commences—at the expiration of that later day.
  - 5. Subject to this Act, the keeper of an inn shall be under the like liability to make good damage to property brought to the inn by or on behalf of a traveller using its facilities as is imposed on him by law with respect to the loss thereof. Liability for damage to property.
  - 6. The liability imposed by law on the keeper of an inn to make good the loss while at the inn, whether by theft or otherwise, of property brought to the inn by or on behalf of a traveller using its facilities, and the like liability imposed by section five of this Act with respect to damage thereto, shall not be incurred by the innkeeper where— Exclusion of liability in certain cases.
    - 20 (a) the property lost or damaged is a vehicle or anything therein, or a horse or other live animal or its harness or other equipment; or
    - 25 (b) the traveller is not a guest at the inn within the meaning of this Act,unless the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or his servant.
  - 30 7. (1) Subject to this section and section six of this Act, the amount payable in respect of the liability of the keeper of an inn to any one traveller who is a guest at the inn with respect to property that, while at the inn, is lost, whether by theft or otherwise, or damaged shall not exceed one hundred Limitation of liability in certain cases.
  - 35 dollars.
- In this subsection "liability" means liability imposed by law and includes the like liability imposed by section five of this Act.
- (2)

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*Innkeepers.*

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(2) Subsection one of this section shall not have effect unless at the time the property that was lost or damaged was brought to the inn, and at all times while the traveller was a guest at the inn, a copy of the notice set forth in the  
5 Schedule to this Act, printed in plain type, was conspicuously displayed—

(a) in a place at or near the reception office or reception desk of the inn or, where there is no such office or desk, at or near the main entrance to the inn where  
10 it could conveniently be read—

(i) by the traveller, on and after his arrival at the inn; and

(ii) where the property was not brought to the inn by the traveller, by the person who brought the property to the inn; and  
15

(b) in a place where it could conveniently be read in the room in which was situated the sleeping accommodation engaged for the traveller.

(3) Notwithstanding compliance with the conditions  
20 specified in subsection two of this section, subsection one of this section shall not have effect where, after the traveller became a guest at the inn—

(a) the property that was lost or damaged was deposited by him or on his behalf expressly for safe custody with the innkeeper or his servant authorised, or  
25 appearing to be authorised, for the purpose and, if so required by the innkeeper or that servant, in a container fastened or sealed by the depositor; or

(b) he, or some person on his behalf, was unable to deposit the property as provided by paragraph (a)  
30 of this subsection by reason of the refusal of the innkeeper or such a servant to receive it or by reason of some other default of the innkeeper or servant,

35 or where the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or his servant.

*Innkeepers.*

8. Without prejudice to any other right he may have with respect thereto, an innkeeper, in his capacity as an innkeeper, shall not have any lien on property referred to in paragraph (a) of section six of this Act. Abolition of innkeeper's lien over certain property.

5 9. Any person supplied with a meal or accommodation at an inn the premises whereof are not licensed under Part III of the Liquor Act, 1912, as subsequently amended, who on demand of payment made by the innkeeper or by his servant or agent fails or refuses to pay a reasonable sum therefor or Penalty on person failing or refusing to pay for meal or accommodation.  
10 by his actions avoids such demand or renders such demand impossible and fails to pay a reasonable sum therefor shall be cf. Act No. 42, 1912, s. 69.  
15 liable on summary conviction to a penalty not exceeding forty dollars; and in addition thereto, the court hearing and determining the matter may order the offender to pay to the innkeeper such sum as it deems reasonable in respect of the meal or accommodation supplied to the offender.

10. The Liquor Act, 1912, as subsequently amended, is Amendment of Act No. 42, 1912.  
amended—  
20 (a) by omitting from section seventy-two the words “Innkeepers’ Liability Act, 1902” and by inserting in lieu thereof the words “Innkeepers Act, 1968, and any Act amending or replacing that Act”; Sec. 72. (Innkeepers’ Liability, saving of.)  
25 (b) by omitting from the same section the words “of the said cited Act” and by inserting in lieu thereof the word “thereof”.

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*Innkeepers.*

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SCHEDULE.

Sec. 7.

NOTICE.

LOSS OF OR DAMAGE TO GUESTS' PROPERTY.

5 UNDER the Innkeepers Act, 1968, an innkeeper may in certain circumstances be liable to make good any loss of or damage to a guest's property even though it was not due to any fault of the innkeeper or any servant in his employ.

This liability however—

- 10 (a) extends only to the property of guests who have engaged sleeping accommodation at the inn;
- (b) is limited to one hundred dollars to any one guest except in the case of property which has been deposited, or offered for deposit, for safe custody;
- 15 (c) does not cover motor-vehicles or other vehicles of any kind or any property left in them, or horses or other live animals.

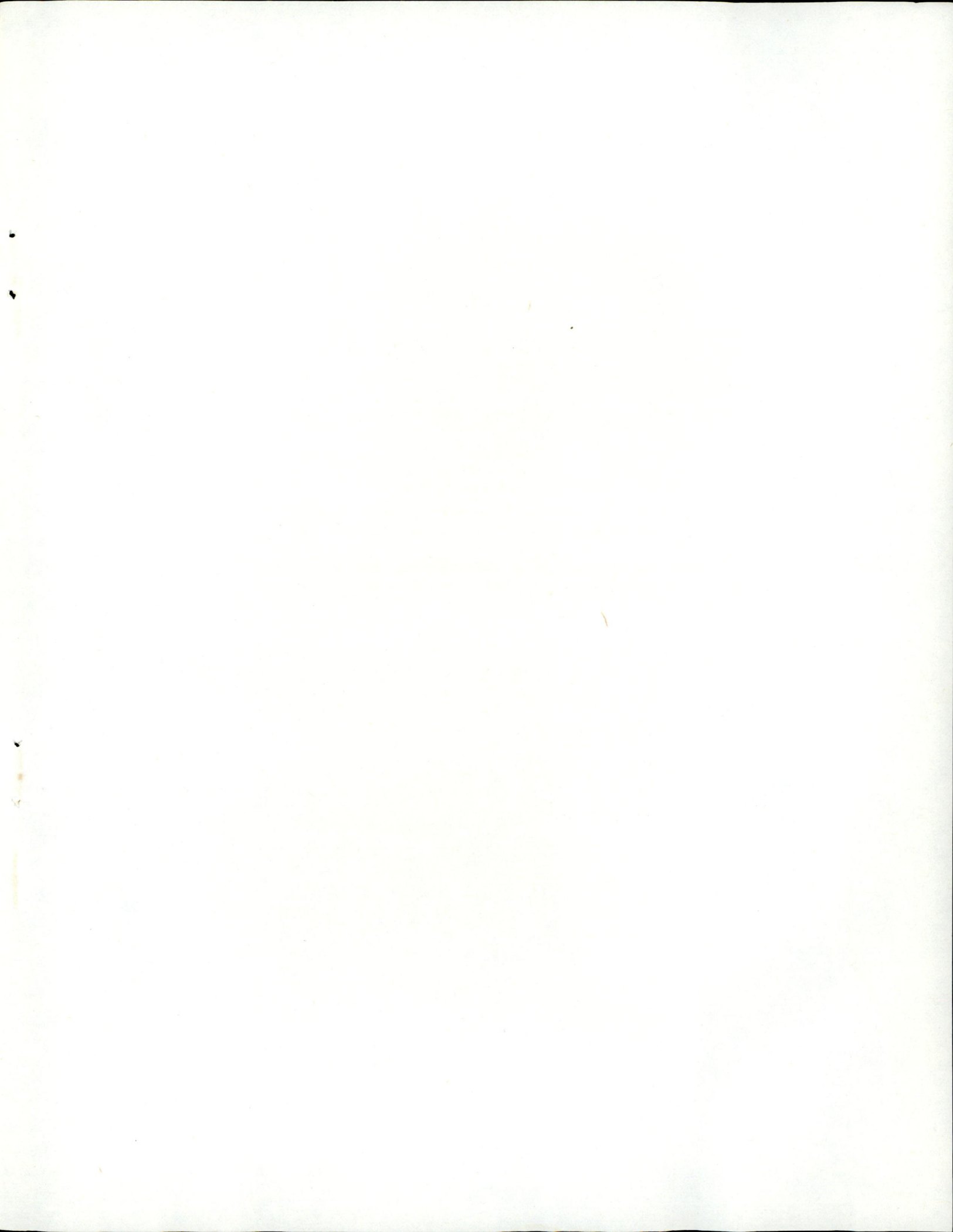
This notice does not constitute an admission either that the Act applies to these premises or that liability thereunder attaches in any particular case.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

[5c]







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"inn" means a common inn;

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Interpreta-  
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(2) Nothing in this Act shall be construed as  
10 affecting—

- (a) any right, liability or legal proceeding saved by the Interpretation Act of 1897, as subsequently amended;
- 15 (b) any lien that took effect before the commencement of this Act; or
- (c) the liability of any person for loss of, or damage to, property caused before or after the commencement of this Act by his default, neglect or wilful act, or that of his servant.

20 4. For the purposes of this Act, a traveller shall be deemed to be a guest at an inn only where sleeping accom-  
modation at the inn has been engaged by or for him and, where such accommodation has been so engaged, shall be  
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- (i) where this Act commences on a day on which he is entitled pursuant to that engagement to use that sleeping accommodation as a traveller—at the commencement of  
30 this Act; or

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*Innkeepers.*

- (ii) where the day on which he becomes so entitled is a day that is later than the day on which this Act commences—at the commencement of that later day; and
- 5 (b) ending—
  - (i) where this Act commences on the day on which he ceases to be so entitled—at the expiration of that day; or
  - 10 (ii) where the day on which he ceases to be so entitled is a day that is later than the day on which this Act commences—at the expiration of that later day.

5. Subject to this Act, the keeper of an inn shall be under the like liability to make good damage to property brought to the inn by or on behalf of a traveller using its facilities as is imposed on him by law with respect to the loss thereof.

*Liability for damage to property.*

6. The liability imposed by law on the keeper of an inn to make good the loss while at the inn, whether by theft or otherwise, of property brought to the inn by or on behalf of a traveller using its facilities, and the like liability imposed by section five of this Act with respect to damage thereto, shall not be incurred by the innkeeper where—

*Exclusion of liability in certain cases.*

- 25 (a) the property lost or damaged is a vehicle or anything therein, or a horse or other live animal or its harness or other equipment; or
- (b) the traveller is not a guest at the inn within the meaning of this Act,

unless the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or his servant.

30 7. (1) Subject to this section and section six of this Act, the amount payable in respect of the liability of the keeper of an inn to any one traveller who is a guest at the inn with respect to property that, while at the inn, is lost, whether by theft or otherwise, or damaged shall not exceed one hundred  
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*Limitation of liability in certain cases.*

In this subsection “liability” means liability imposed by law and includes the like liability imposed by section five of this Act.

(2)

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*Innkeepers.*

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(2) Subsection one of this section shall not have effect unless at the time the property that was lost or damaged was brought to the inn, and at all times while the traveller was a guest at the inn, a copy of the notice set forth in the 5 Schedule to this Act, printed in plain type, was conspicuously displayed—

(a) in a place at or near the reception office or reception desk of the inn or, where there is no such office or desk, at or near the main entrance to the inn where it could conveniently be read—

10 (i) by the traveller, on and after his arrival at the inn; and

(ii) where the property was not brought to the inn by the traveller, by the person who brought the property to the inn; and

15 (b) in a place where it could conveniently be read in the room in which was situated the sleeping accommodation engaged for the traveller.

(3) Notwithstanding compliance with the conditions 20 specified in subsection two of this section, subsection one of this section shall not have effect where, after the traveller became a guest at the inn—

(a) the property that was lost or damaged was deposited 25 by him or on his behalf expressly for safe custody with the innkeeper or his servant authorised, or appearing to be authorised, for the purpose and, if so required by the innkeeper or that servant, in a container fastened or sealed by the depositor; or

30 (b) he, or some person on his behalf, was unable to deposit the property as provided by paragraph (a) of this subsection by reason of the refusal of the innkeeper or such a servant to receive it or by reason of some other default of the innkeeper or servant,

35 or where the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or his servant.

*Innkeepers.*

8. Without prejudice to any other right he may have with respect thereto, an innkeeper, in his capacity as an innkeeper, shall not have any lien on property referred to in paragraph (a) of section six of this Act. Abolition of innkeeper's lien over certain property.

5 9. Any person supplied with a meal or accommodation at an inn the premises whereof are not licensed under Part III of the Liquor Act, 1912, as subsequently amended, who on demand of payment made by the innkeeper or by his servant or agent fails or refuses to pay a reasonable sum therefor or Penalty on person failing or refusing to pay for meal or accommodation.  
10 by his actions avoids such demand or renders such demand impossible and fails to pay a reasonable sum therefor shall be cf. Act No. 42, 1912, s. 69.  
15 keeper such sum as it deems reasonable in respect of the meal or accommodation supplied to the offender.

10. The Liquor Act, 1912, as subsequently amended, is amended— Amendment of Act No. 42, 1912.

20 (a) by omitting from section seventy-two the words "Innkeepers' Liability Act, 1902" and by inserting in lieu thereof the words "Innkeepers Act, 1968, and any Act amending or replacing that Act"; Sec. 72. (Innkeepers' Liability, saving of.)

25 (b) by omitting from the same section the words "of the said cited Act" and by inserting in lieu thereof the word "thereof".

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This liability however—

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This notice does not constitute an admission either that the Act applies to these premises or that liability thereunder attaches in any particular case.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

[5c]







# INNKEEPERS BILL, 1968

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## EXPLANATORY NOTE

**THE objects of this Bill are, while still holding an innkeeper liable for loss or damage caused by his default, neglect or wilful act, or that of his servant—**

- (a) to resolve doubts as to whether the common law liability of an innkeeper in respect of the loss of property brought to his inn by a traveller extends to damage to such property ;
- (b) to exclude that liability where the property lost or damaged is a vehicle or certain other property and where the traveller has not engaged sleeping accommodation at the inn;
- (c) to specify the circumstances in which that liability may be limited and to increase the amount to which that liability may at present be limited from forty dollars to one hundred dollars;
- (d) to abolish innkeepers' liens in certain cases where that liability is excluded ;
- (e) to create the same offence for failure to pay for a meal or accommodation at an inn the premises whereof are not licensed under the Liquor Act, 1912, as subsequently amended, as exists with respect to premises so licensed;
- (f) to make other provisions of a consequential or ancillary nature.

INVENTORS BUREAU

LABORATORY

1. The first part of the report describes the general character of the work done during the year. It includes a list of the principal results obtained, and a brief description of the methods used in the investigation.

2. The second part of the report is devoted to a detailed description of the work done during the year. It includes a list of the principal results obtained, and a brief description of the methods used in the investigation.

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- (e) to create the same offence for failure to pay for a meal or accommodation at an inn the premises whereof are not licensed under the Liquor Act, 1912, as subsequently amended, as exists with respect to premises so licensed;
- (f) to make other provisions of a consequential or ancillary nature.

MEMBERS LIST

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No.	Name	Address	City	State	Profession
1	John D. Smith	123 Main St	New York	NY	Engineer
2	Jane E. Doe	456 Elm St	Chicago	IL	Teacher
3	Robert L. Brown	789 Oak St	Los Angeles	CA	Physician
4	William H. Green	101 Pine St	San Francisco	CA	Lawyer
5	Elizabeth C. White	202 Cedar St	Philadelphia	PA	Artist
6	Thomas M. Black	303 Birch St	Boston	MA	Scientist
7	Mary K. Gray	404 Spruce St	Seattle	WA	Writer
8	Charles F. King	505 Walnut St	Portland	OR	Farmer
9	Patricia A. Lee	606 Maple St	Denver	CO	Nurse
10	Richard B. Hall	707 Poplar St	San Diego	CA	Merchant
11	Susan G. Young	808 Ash St	San Jose	CA	Engineer
12	James P. Allen	909 Hickory St	San Antonio	TX	Teacher
13	Barbara S. Wright	1010 Sycamore St	Fort Worth	TX	Business
14	Donald R. King	1111 Chestnut St	Indianapolis	IN	Engineer
15	Carol J. Hill	1212 Walnut St	Columbus	OH	Artist
16	Franklin D. Scott	1313 Spruce St	Indianapolis	IN	Lawyer
17	Margaret E. Adams	1414 Birch St	Indianapolis	IN	Teacher
18	Harold W. Baker	1515 Elm St	Indianapolis	IN	Physician
19	Lillian M. Clark	1616 Oak St	Indianapolis	IN	Business
20	George H. Evans	1717 Pine St	Indianapolis	IN	Engineer
21	Helen N. Foster	1818 Cedar St	Indianapolis	IN	Teacher
22	Arthur J. Green	1919 Birch St	Indianapolis	IN	Lawyer
23	Betty L. Hill	2020 Spruce St	Indianapolis	IN	Artist
24	Edward K. King	2121 Walnut St	Indianapolis	IN	Business
25	Frances M. Lee	2222 Maple St	Indianapolis	IN	Teacher
26	William R. Young	2323 Poplar St	Indianapolis	IN	Physician
27	Virginia S. Allen	2424 Ash St	Indianapolis	IN	Business
28	Robert T. Wright	2525 Hickory St	Indianapolis	IN	Engineer
29	Joseph P. King	2626 Sycamore St	Indianapolis	IN	Lawyer
30	Lillian H. Hill	2727 Chestnut St	Indianapolis	IN	Teacher
31	Charles F. Adams	2828 Walnut St	Indianapolis	IN	Physician
32	William G. Baker	2929 Spruce St	Indianapolis	IN	Business
33	Margaret E. Clark	3030 Birch St	Indianapolis	IN	Teacher
34	Harold W. Evans	3131 Elm St	Indianapolis	IN	Engineer
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37	Betty L. Hill	3434 Cedar St	Indianapolis	IN	Teacher
38	Edward K. King	3535 Birch St	Indianapolis	IN	Business
39	Frances M. Lee	3636 Spruce St	Indianapolis	IN	Teacher
40	William R. Young	3737 Walnut St	Indianapolis	IN	Physician
41	Virginia S. Allen	3838 Maple St	Indianapolis	IN	Business
42	Robert T. Wright	3939 Poplar St	Indianapolis	IN	Engineer
43	Joseph P. King	4040 Ash St	Indianapolis	IN	Lawyer
44	Lillian H. Hill	4141 Hickory St	Indianapolis	IN	Teacher
45	Charles F. Adams	4242 Sycamore St	Indianapolis	IN	Physician
46	William G. Baker	4343 Chestnut St	Indianapolis	IN	Business
47	Margaret E. Clark	4444 Walnut St	Indianapolis	IN	Teacher
48	Harold W. Evans	4545 Spruce St	Indianapolis	IN	Engineer
49	Lillian M. Foster	4646 Birch St	Indianapolis	IN	Business
50	Arthur J. Green	4747 Elm St	Indianapolis	IN	Lawyer

No. , 1968.

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[MR MADDISON—27 August, 1968.]

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6. The liability imposed by law on the keeper of an inn to make good the loss while at the inn, whether by theft or otherwise, of property brought to the inn by or on behalf of a traveller using its facilities, and the like liability imposed by section five of this Act with respect to damage thereto, shall not be incurred by the innkeeper where— Exclusion of liability in certain cases.
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(3) Notwithstanding compliance with the conditions  
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(b) he, or some person on his behalf, was unable to deposit the property as provided by paragraph (a)  
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*Innkeepers.*

8. Without prejudice to any other right he may have with respect thereto, an innkeeper, in his capacity as an innkeeper, shall not have any lien on property referred to in paragraph (a) of section six of this Act. Abolition of innkeeper's lien over certain property.

5 9. Any person supplied with a meal or accommodation at an inn the premises whereof are not licensed under Part III of the Liquor Act, 1912, as subsequently amended, who on demand of payment made by the innkeeper or by his servant or agent fails or refuses to pay a reasonable sum therefor or Penalty on person failing or refusing to pay for meal or accommodation.  
10 by his actions avoids such demand or renders such demand impossible and fails to pay a reasonable sum therefor shall be cf. Act No. 42, 1912, s. 69. liable on summary conviction to a penalty not exceeding forty dollars; and in addition thereto, the court hearing and determining the matter may order the offender to pay to the inn-  
15 keeper such sum as it deems reasonable in respect of the meal or accommodation supplied to the offender.

10. The Liquor Act, 1912, as subsequently amended, is amended— Amendment of Act No. 42, 1912.  
20 (a) by omitting from section seventy-two the words "Innkeepers' Liability Act, 1902" and by inserting in lieu thereof the words "Innkeepers Act, 1968, and any Act amending or replacing that Act"; Sec. 72. (Innkeepers' Liability, saving of.)  
25 (b) by omitting from the same section the words "of the said cited Act" and by inserting in lieu thereof the word "thereof".

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*Innkeepers.*

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SCHEDULE.

Sec. 7.

NOTICE.

LOSS OF OR DAMAGE TO GUESTS' PROPERTY.

5 UNDER the Innkeepers Act, 1968, an innkeeper may in certain circumstances be liable to make good any loss of or damage to a guest's property even though it was not due to any fault of the innkeeper or any servant in his employ.

This liability however—

- 10 (a) extends only to the property of guests who have engaged sleeping accommodation at the inn;
- (b) is limited to one hundred dollars to any one guest except in the case of property which has been deposited, or offered for deposit, for safe custody;
- 15 (c) does not cover motor-vehicles or other vehicles of any kind or any property left in them, or horses or other live animals.

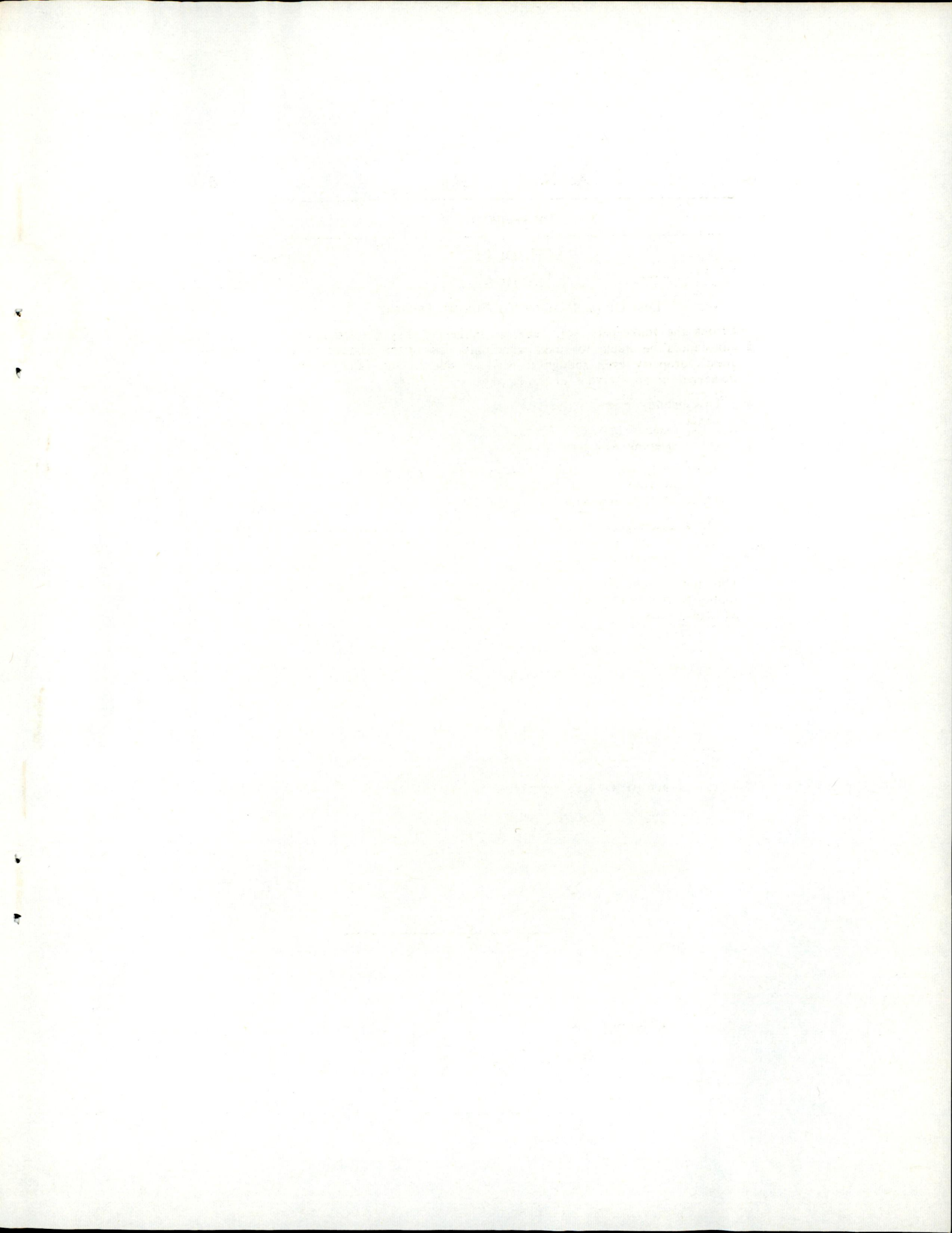
This notice does not constitute an admission either that the Act applies to these premises or that liability thereunder attaches in any particular case.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

[5c]





**PROOF**

No. , 1968.

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## A BILL

To make provision with respect to certain rights and liabilities of innkeepers and persons having dealings with innkeepers; to repeal the Innkeepers' Liability Act, 1902; to amend the Liquor Act, 1912, as subsequently amended; and for purposes connected therewith.

[MR MADDISON—27 August, 1968.]

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**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 "Innkeepers Act, 1968".
- (2) Short title and commencement.

*Innkeepers.*

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Innkeepers' Liability Act, 1902, is hereby Repeal.  
5 repealed.

3. (1) In this Act—

"inn" means a common inn;

"innkeeper" means the keeper of an inn.

Interpreta-  
tion and  
construction  
of Act.

(2) Nothing in this Act shall be construed as  
10 affecting—

(a) any right, liability or legal proceeding saved by the Interpretation Act of 1897, as subsequently amended;

15 (b) any lien that took effect before the commencement of this Act; or

(c) the liability of any person for loss of, or damage to, property caused before or after the commencement of this Act by his default, neglect or wilful act, or that of his servant.

20 4. For the purposes of this Act, a traveller shall be deemed to be a guest at an inn only where sleeping accom-  
modation at the inn has been engaged by or for him and, where such accommodation has been so engaged, shall be  
deemed to be such a guest during the period—

Meaning  
of "guest".

25 (a) commencing—

(i) where this Act commences on a day on which he is entitled pursuant to that engagement to use that sleeping accommodation as a traveller—at the commencement of  
30 this Act; or

(ii)

*Innkeepers.*

- (ii) where the day on which he becomes so entitled is a day that is later than the day on which this Act commences—at the commencement of that later day; and
- 5 (b) ending—
  - (i) where this Act commences on the day on which he ceases to be so entitled—at the expiration of that day; or
  - 10 (ii) where the day on which he ceases to be so entitled is a day that is later than the day on which this Act commences—at the expiration of that later day.

5. Subject to this Act, the keeper of an inn shall be under the like liability to make good damage to property brought to the inn by or on behalf of a traveller using its facilities as is imposed on him by law with respect to the loss thereof. Liability for damage to property.

6. The liability imposed by law on the keeper of an inn to make good the loss while at the inn, whether by theft or otherwise, of property brought to the inn by or on behalf of a traveller using its facilities, and the like liability imposed by section five of this Act with respect to damage thereto, shall not be incurred by the innkeeper where— Exclusion of liability in certain cases.

- 25 (a) the property lost or damaged is a vehicle or anything therein, or a horse or other live animal or its harness or other equipment; or
- (b) the traveller is not a guest at the inn within the meaning of this Act,

unless the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or his servant.

30 7. (1) Subject to this section and section six of this Act, the amount payable in respect of the liability of the keeper of an inn to any one traveller who is a guest at the inn with respect to property that, while at the inn, is lost, whether by theft or otherwise, or damaged shall not exceed one hundred Limitation of liability in certain cases. 35 dollars.

In this subsection "liability" means liability imposed by law and includes the like liability imposed by section five of this Act. (2)

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*Innkeepers.*

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(2) Subsection one of this section shall not have effect unless at the time the property that was lost or damaged was brought to the inn, and at all times while the traveller was a guest at the inn, a copy of the notice set forth in the  
5 Schedule to this Act, printed in plain type, was conspicuously displayed—

10 (a) in a place at or near the reception office or reception desk of the inn or, where there is no such office or desk, at or near the main entrance to the inn where it could conveniently be read—

(i) by the traveller, on and after his arrival at the inn; and

15 (ii) where the property was not brought to the inn by the traveller, by the person who brought the property to the inn; and

(b) in a place where it could conveniently be read in the room in which was situated the sleeping accommodation engaged for the traveller.

(3) Notwithstanding compliance with the conditions  
20 specified in subsection two of this section, subsection one of this section shall not have effect where, after the traveller became a guest at the inn—

25 (a) the property that was lost or damaged was deposited by him or on his behalf expressly for safe custody with the innkeeper or his servant authorised, or appearing to be authorised, for the purpose and, if so required by the innkeeper or that servant, in a container fastened or sealed by the depositor; or

30 (b) he, or some person on his behalf, was unable to deposit the property as provided by paragraph (a) of this subsection by reason of the refusal of the innkeeper or such a servant to receive it or by reason of some other default of the innkeeper or servant,

35 or where the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or his servant.



*Innkeepers.*

8. Without prejudice to any other right he may have with respect thereto, an innkeeper, in his capacity as an innkeeper, shall not have any lien on property referred to in paragraph (a) of section six of this Act.

Abolition of innkeeper's lien over certain property.

5 9. Any person supplied with a meal or accommodation at an inn the premises whereof are not licensed under Part III of the Liquor Act, 1912, as subsequently amended, who on demand of payment made by the innkeeper or by his servant or agent fails or refuses to pay a reasonable sum therefor or  
10 by his actions avoids such demand or renders such demand impossible and fails to pay a reasonable sum therefor shall be liable on summary conviction to a penalty not exceeding forty dollars; and in addition thereto, the court hearing and determining the matter may order the offender to pay to the inn-  
15 keeper such sum as it deems reasonable in respect of the meal or accommodation supplied to the offender.

Penalty on person failing or refusing to pay for meal or accommodation.  
cf. Act No. 42, 1912, s. 69.

10. The Liquor Act, 1912, as subsequently amended, is amended—

Amendment of Act No. 42, 1912.

- 20 (a) by omitting from section seventy-two the words "Innkeepers' Liability Act, 1902" and by inserting in lieu thereof the words "Innkeepers Act, 1968, and any Act amending or replacing that Act";
- 25 (b) by omitting from the same section the words "of the said cited Act" and by inserting in lieu thereof the word "thereof".

Sec. 72.  
(Innkeepers' Liability, saving of.)

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*Innkeepers.*

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SCHEDULE.

Sec. 7.

NOTICE.

LOSS OF OR DAMAGE TO GUESTS' PROPERTY.

5 UNDER the Innkeepers Act, 1968, an innkeeper may in certain circumstances be liable to make good any loss of or damage to a guest's property even though it was not due to any fault of the innkeeper or any servant in his employ.

This liability however—

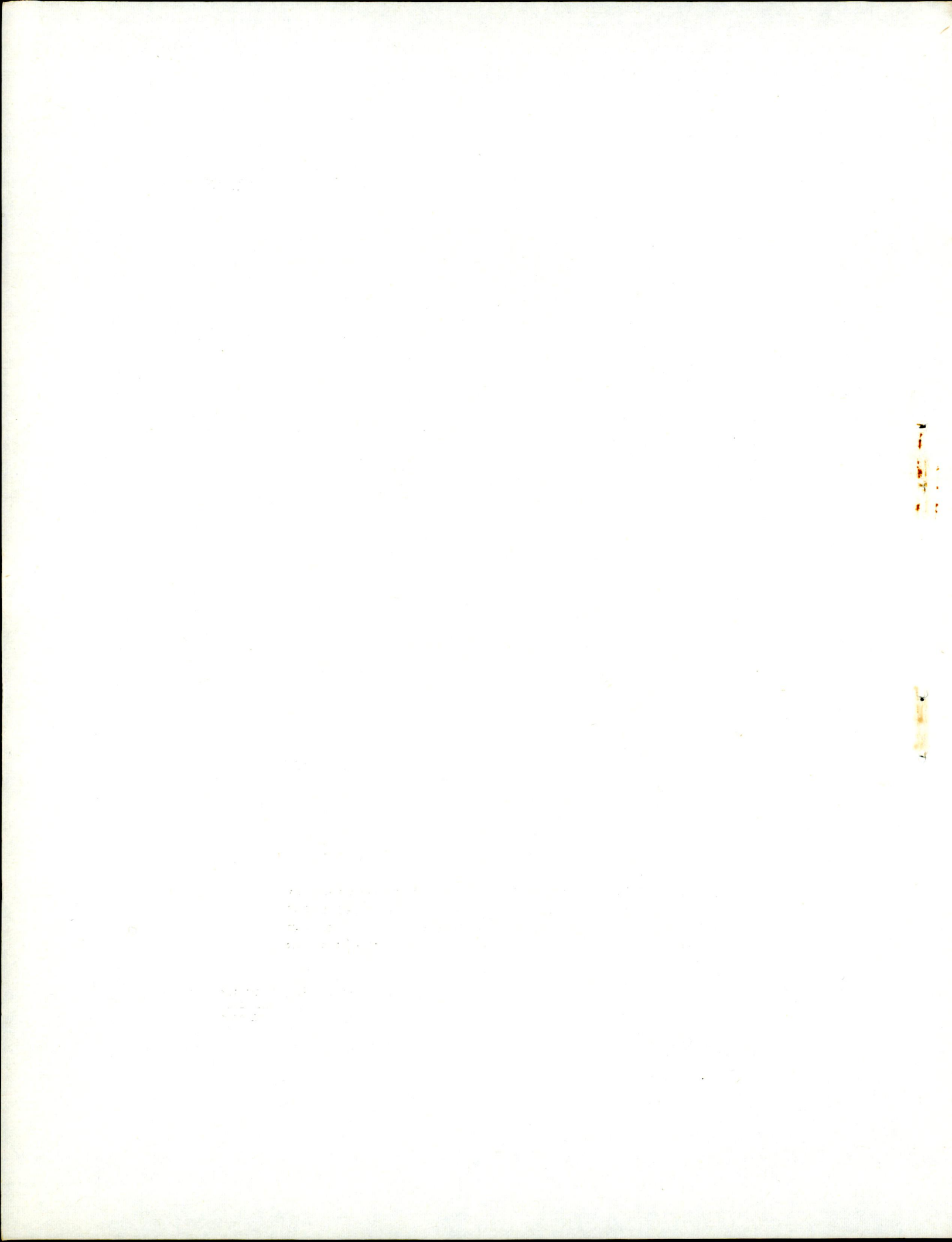
- 10 (a) extends only to the property of guests who have engaged sleeping accommodation at the inn;
- (b) is limited to one hundred dollars to any one guest except in the case of property which has been deposited, or offered for deposit, for safe custody;
- 15 (c) does not cover motor-vehicles or other vehicles of any kind or any property left in them, or horses or other live animals.

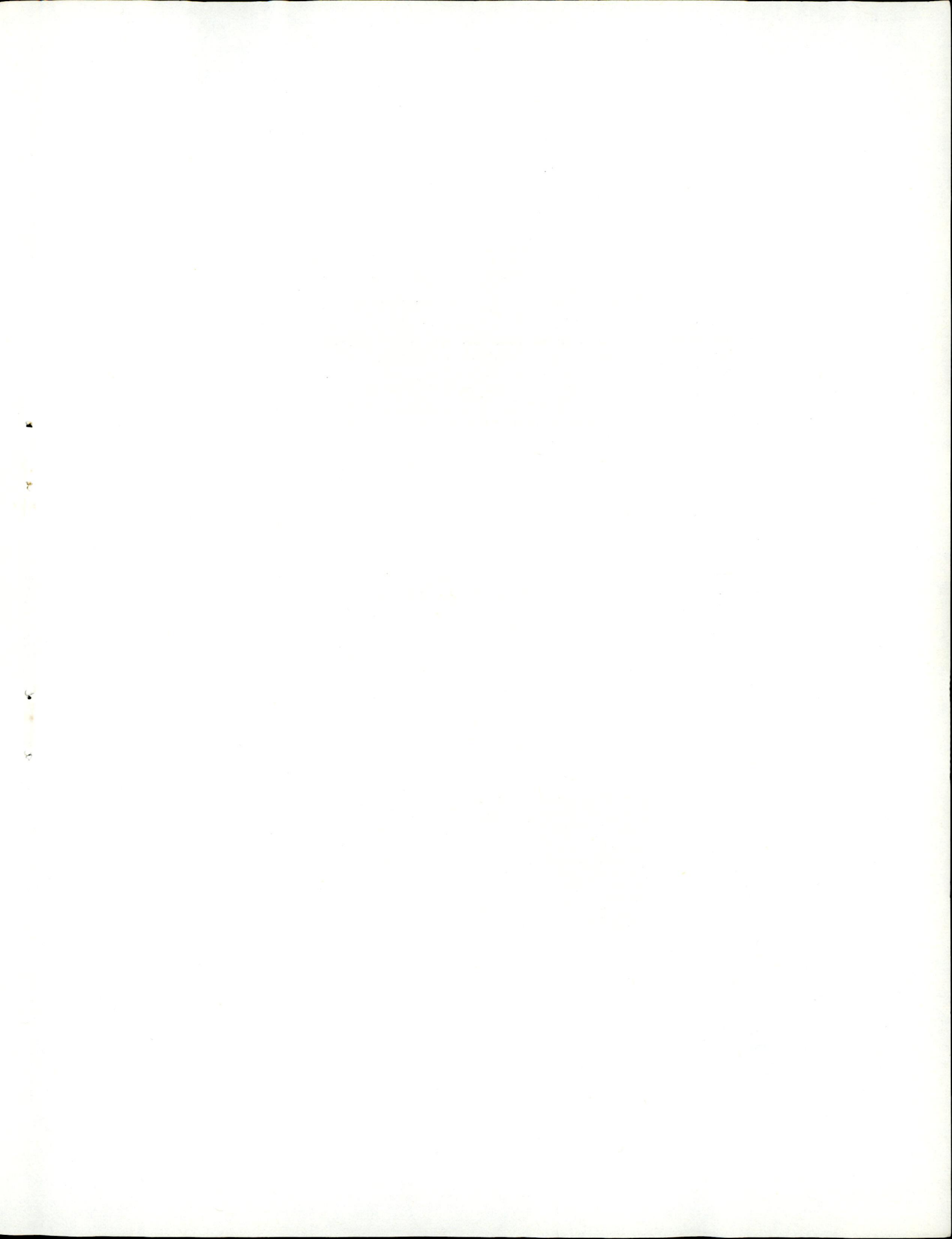
This notice does not constitute an admission either that the Act applies to these premises or that liability thereunder attaches in any particular case.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968





PROOF

No. 118, 1968.

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## A BILL

To make provision with respect to certain rights and liabilities of innkeepers and persons having dealings with innkeepers; to repeal the Innkeepers' Liability Act, 1902; to amend the Liquor Act, 1912, as subsequently amended; and for purposes connected therewith.

[MR MADDISON—27 August, 1968.]

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**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 "Innkeepers Act, 1968".
- (2) Short title and commencement.

*Innkeepers.*

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Innkeepers' Liability Act, 1902, is hereby Repeal.  
5 repealed.

3. (1) In this Act—

"inn" means a common inn;

"innkeeper" means the keeper of an inn.

Interpreta-  
tion and  
construction  
of Act.

(2) Nothing in this Act shall be construed as  
10 affecting—

(a) any right, liability or legal proceeding saved by the Interpretation Act of 1897, as subsequently amended;

15 (b) any lien that took effect before the commencement of this Act; or

(c) the liability of any person for loss of, or damage to, property caused before or after the commencement of this Act by his default, neglect or wilful act, or that of his servant.

20 4. For the purposes of this Act, a traveller shall be deemed to be a guest at an inn only where sleeping accom-  
modation at the inn has been engaged by or for him and, where such accommodation has been so engaged, shall be  
deemed to be such a guest during the period—

Meaning  
of "guest".

25 (a) commencing—

(i) where this Act commences on a day on which he is entitled pursuant to that engagement to use that sleeping accommodation as a traveller—at the commencement of  
30 this Act; or

(ii)

*Innkeepers.*

(ii) where the day on which he becomes so entitled is a day that is later than the day on which this Act commences—at the commencement of that later day; and

5 (b) ending—

(i) where this Act commences on the day on which he ceases to be so entitled—at the expiration of that day; or

10 (ii) where the day on which he ceases to be so entitled is a day that is later than the day on which this Act commences—at the expiration of that later day.

5. Subject to this Act, the keeper of an inn shall be under the like liability to make good damage to property brought to the inn by or on behalf of a traveller using its facilities as is imposed on him by law with respect to the loss thereof. Liability for damage to property.

6. The liability imposed by law on the keeper of an inn to make good the loss while at the inn, whether by theft or otherwise, of property brought to the inn by or on behalf of a traveller using its facilities, and the like liability imposed by section five of this Act with respect to damage thereto, shall not be incurred by the innkeeper where— Exclusion of liability in certain cases.

25 (a) the property lost or damaged is a vehicle or anything therein, or a horse or other live animal or its harness or other equipment; or

(b) the traveller is not a guest at the inn within the meaning of this Act,

unless the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or his servant.

30 7. (1) Subject to this section and section six of this Act, the amount payable in respect of the liability of the keeper of an inn to any one traveller who is a guest at the inn with respect to property that, while at the inn, is lost, whether by theft or otherwise, or damaged shall not exceed one hundred Limitation of liability in certain cases. 35 dollars.

In this subsection "liability" means liability imposed by law and includes the like liability imposed by section five of this Act.

(2)

*Innkeepers.*

(2) Subsection one of this section shall not have effect unless at the time the property that was lost or damaged was brought to the inn, and at all times while the traveller was a guest at the inn, a copy of the notice set forth in the 5 Schedule to this Act, printed in plain type, was conspicuously displayed—

10 (a) in a place at or near the reception office or reception desk of the inn or, where there is no such office or desk, at or near the main entrance to the inn where it could conveniently be read—

(i) by the traveller, on and after his arrival at the inn; and

15 (ii) where the property was not brought to the inn by the traveller, by the person who brought the property to the inn; and

(b) in a place where it could conveniently be read in the room in which was situated the sleeping accommodation engaged for the traveller.

20 (3) Notwithstanding compliance with the conditions specified in subsection two of this section, subsection one of this section shall not have effect where, after the traveller became a guest at the inn—

25 (a) the property that was lost or damaged was deposited by him or on his behalf expressly for safe custody with the innkeeper or his servant authorised, or appearing to be authorised, for the purpose and, if so required by the innkeeper or that servant, in a container fastened or sealed by the depositor; or

30 (b) he, or some person on his behalf, was unable to deposit the property as provided by paragraph (a) of this subsection by reason of the refusal of the innkeeper or such a servant to receive it or by reason of some other default of the innkeeper or servant,

35 or where the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or his servant.



*Innkeepers.*

8. Without prejudice to any other right he may have with respect thereto, an innkeeper, in his capacity as an innkeeper, shall not have any lien on property referred to in paragraph (a) of section six of this Act.

Abolition of innkeeper's lien over certain property.

5 9. Any person supplied with a meal or accommodation at an inn the premises whereof are not licensed under Part III of the Liquor Act, 1912, as subsequently amended, who on demand of payment made by the innkeeper or by his servant or agent fails or refuses to pay a reasonable sum therefor or  
10 by his actions avoids such demand or renders such demand impossible and fails to pay a reasonable sum therefor shall be liable on summary conviction to a penalty not exceeding forty dollars; and in addition thereto, the court hearing and determining the matter may order the offender to pay to the inn-  
15 keeper such sum as it deems reasonable in respect of the meal or accommodation supplied to the offender.

Penalty on person failing or refusing to pay for meal or accommodation.  
cf. Act No. 42, 1912, s. 69.

10. The Liquor Act, 1912, as subsequently amended, is amended—

Amendment of Act No. 42, 1912.

- 20 (a) by omitting from section seventy-two the words "Innkeepers' Liability Act, 1902" and by inserting in lieu thereof the words "Innkeepers Act, 1968, and any Act amending or replacing that Act";
- 25 (b) by omitting from the same section the words "of the said cited Act" and by inserting in lieu thereof the word "thereof".

Sec. 72. (Innkeepers' Liability, saving of.)

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*Innkeepers.*

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SCHEDULE.

Sec. 7.

NOTICE.

LOSS OF OR DAMAGE TO GUESTS' PROPERTY.

5 UNDER the Innkeepers Act, 1968, an innkeeper may in certain circumstances be liable to make good any loss of or damage to a guest's property even though it was not due to any fault of the innkeeper or any servant in his employ.

This liability however—

- 10 (a) extends only to the property of guests who have engaged sleeping accommodation at the inn;
- (b) is limited to one hundred dollars to any one guest except in the case of property which has been deposited, or offered for deposit, for safe custody;
- 15 (c) does not cover motor-vehicles or other vehicles of any kind or any property left in them, or horses or other live animals.

This notice does not constitute an admission either that the Act applies to these premises or that liability thereunder attaches in any particular case.

---

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968





# New South Wales



ANNO SEPTIMO DECIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 24, 1968.

An Act to make provision with respect to certain rights and liabilities of innkeepers and persons having dealings with innkeepers; to repeal the Innkeepers' Liability Act, 1902; to amend the Liquor Act, 1912, as subsequently amended; and for purposes connected therewith. [Assented to, 10th October, 1968.]

**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 "Innkeepers Act, 1968".
- (2) Short title and commencement.

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*Innkeepers.*


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(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Repeal.        2. The Innkeepers' Liability Act, 1902, is hereby repealed.

Interpreta-  
tion and  
construction  
of Act.

3. (1) In this Act—

“inn” means a common inn;

“innkeeper” means the keeper of an inn.

(2) Nothing in this Act shall be construed as affecting—

- (a) any right, liability or legal proceeding saved by the Interpretation Act of 1897, as subsequently amended;
- (b) any lien that took effect before the commencement of this Act; or
- (c) the liability of any person for loss of, or damage to, property caused before or after the commencement of this Act by his default, neglect or wilful act, or that of his servant.

Meaning  
of “guest”.

4. For the purposes of this Act, a traveller shall be deemed to be a guest at an inn only where sleeping accommodation at the inn has been engaged by or for him and, where such accommodation has been so engaged, shall be deemed to be such a guest during the period—

(a) commencing—

- (i) where this Act commences on a day on which he is entitled pursuant to that engagement to use that sleeping accommodation as a traveller—at the commencement of this Act; or

(ii)

*Innkeepers.*

- (ii) where the day on which he becomes so entitled is a day that is later than the day on which this Act commences—at the commencement of that later day; and
- (b) ending—
  - (i) where this Act commences on the day on which he ceases to be so entitled—at the expiration of that day; or
  - (ii) where the day on which he ceases to be so entitled is a day that is later than the day on which this Act commences—at the expiration of that later day.

**5.** Subject to this Act, the keeper of an inn shall be under the like liability to make good damage to property brought to the inn by or on behalf of a traveller using its facilities as is imposed on him by law with respect to the loss thereof. Liability for damage to property.

**6.** The liability imposed by law on the keeper of an inn to make good the loss while at the inn, whether by theft or otherwise, of property brought to the inn by or on behalf of a traveller using its facilities, and the like liability imposed by section five of this Act with respect to damage thereto, shall not be incurred by the innkeeper where— Exclusion of liability in certain cases.

- (a) the property lost or damaged is a vehicle or anything therein, or a horse or other live animal or its harness or other equipment; or
- (b) the traveller is not a guest at the inn within the meaning of this Act,

unless the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or his servant.

**7.** (1) Subject to this section and section six of this Act, the amount payable in respect of the liability of the keeper of an inn to any one traveller who is a guest at the inn with respect to property that, while at the inn, is lost, whether by theft or otherwise, or damaged shall not exceed one hundred dollars. Limitation of liability in certain cases.

In this subsection “liability” means liability imposed by law and includes the like liability imposed by section five of this Act. (2)

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*Innkeepers.*

---

(2) Subsection one of this section shall not have effect unless at the time the property that was lost or damaged was brought to the inn, and at all times while the traveller was a guest at the inn, a copy of the notice set forth in the Schedule to this Act, printed in plain type, was conspicuously displayed—

- (a) in a place at or near the reception office or reception desk of the inn or, where there is no such office or desk, at or near the main entrance to the inn where it could conveniently be read—
  - (i) by the traveller, on and after his arrival at the inn; and
  - (ii) where the property was not brought to the inn by the traveller, by the person who brought the property to the inn; and
- (b) in a place where it could conveniently be read in the room in which was situated the sleeping accommodation engaged for the traveller.

(3) Notwithstanding compliance with the conditions specified in subsection two of this section, subsection one of this section shall not have effect where, after the traveller became a guest at the inn—

- (a) the property that was lost or damaged was deposited by him or on his behalf expressly for safe custody with the innkeeper or his servant authorised, or appearing to be authorised, for the purpose and, if so required by the innkeeper or that servant, in a container fastened or sealed by the depositor; or
- (b) he, or some person on his behalf, was unable to deposit the property as provided by paragraph (a) of this subsection by reason of the refusal of the innkeeper or such a servant to receive it or by reason of some other default of the innkeeper or servant,

or where the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or his servant.



---

*Innkeepers.*


---

**8.** Without prejudice to any other right he may have with respect thereto, an innkeeper, in his capacity as an innkeeper, shall not have any lien on property referred to in paragraph (a) of section six of this Act.

Abolition of innkeeper's lien over certain property.

**9.** Any person supplied with a meal or accommodation at an inn the premises whereof are not licensed under Part III of the Liquor Act, 1912, as subsequently amended, who on demand of payment made by the innkeeper or by his servant or agent fails or refuses to pay a reasonable sum therefor or by his actions avoids such demand or renders such demand impossible and fails to pay a reasonable sum therefor shall be liable on summary conviction to a penalty not exceeding forty dollars; and in addition thereto, the court hearing and determining the matter may order the offender to pay to the innkeeper such sum as it deems reasonable in respect of the meal or accommodation supplied to the offender.

Penalty on person failing or refusing to pay for meal or accommodation.

cf. Act No. 42, 1912, s. 69.

**10.** The Liquor Act, 1912, as subsequently amended, is amended—

Amendment of Act No. 42, 1912.

- (a) by omitting from section seventy-two the words "Innkeepers' Liability Act, 1902" and by inserting in lieu thereof the words "Innkeepers Act, 1968, and any Act amending or replacing that Act";
- (b) by omitting from the same section the words "of the said cited Act" and by inserting in lieu thereof the word "thereof".

Sec. 72.

(Innkeepers' Liability, saving of.)

---

*Innkeepers.*

---

Sec. 7.

## SCHEDULE.

## NOTICE.

## LOSS OF OR DAMAGE TO GUESTS' PROPERTY.

UNDER the Innkeepers Act, 1968, an innkeeper may in certain circumstances be liable to make good any loss of or damage to a guest's property even though it was not due to any fault of the innkeeper or any servant in his employ.

This liability however—

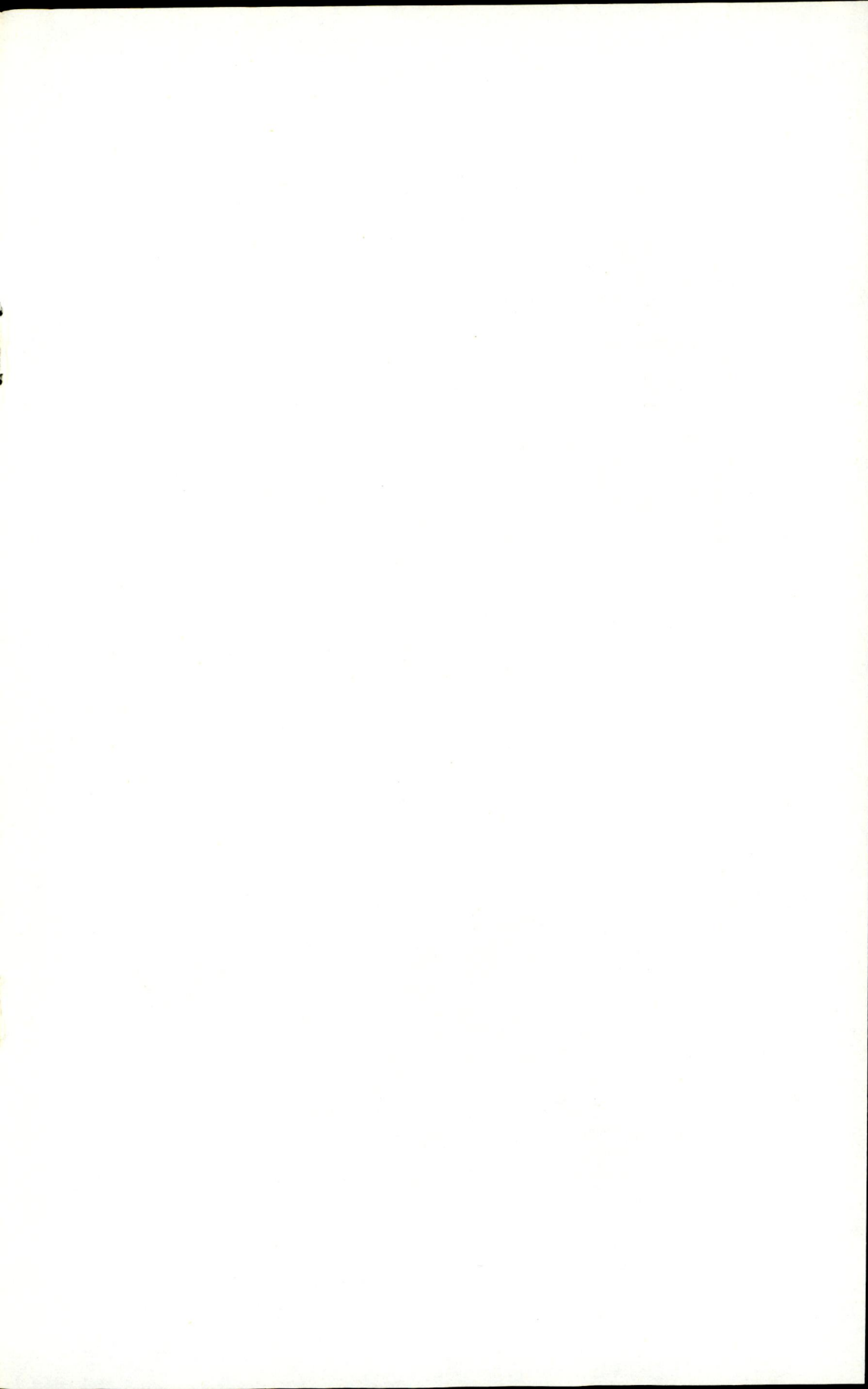
- (a) extends only to the property of guests who have engaged sleeping accommodation at the inn;
- (b) is limited to one hundred dollars to any one guest except in the case of property which has been deposited, or offered for deposit, for safe custody;
- (c) does not cover motor-vehicles or other vehicles of any kind or any property left in them, or horses or other live animals.

This notice does not constitute an admission either that the Act applies to these premises or that liability thereunder attaches in any particular case.

---

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968





*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 1 October, 1968.*

## New South Wales



ANNO SEPTIMO DECIMO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 24, 1968.**

An Act to make provision with respect to certain rights and liabilities of innkeepers and persons having dealings with innkeepers; to repeal the Innkeepers' Liability Act, 1902; to amend the Liquor Act, 1912, as subsequently amended; and for purposes connected therewith. [Assented to, 10th October, 1968.]

**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 "Innkeepers Act, 1968". (2) Short title and commencement.

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

L. A. PUNCH,  
*Chairman of Committees of the Legislative Assembly.*

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*Innkeepers.*


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(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**Repeal.**           **2.** The Innkeepers' Liability Act, 1902, is hereby repealed.

**Interpreta-  
tion and  
construction  
of Act.**           **3.** (1) In this Act—  
                  “inn” means a common inn;  
                  “innkeeper” means the keeper of an inn.

(2) Nothing in this Act shall be construed as affecting—

- (a) any right, liability or legal proceeding saved by the Interpretation Act of 1897, as subsequently amended;
- (b) any lien that took effect before the commencement of this Act; or
- (c) the liability of any person for loss of, or damage to, property caused before or after the commencement of this Act by his default, neglect or wilful act, or that of his servant.

**Meaning  
of “guest”.**           **4.** For the purposes of this Act, a traveller shall be deemed to be a guest at an inn only where sleeping accommodation at the inn has been engaged by or for him and, where such accommodation has been so engaged, shall be deemed to be such a guest during the period—

- (a) commencing—
  - (i) where this Act commences on a day on which he is entitled pursuant to that engagement to use that sleeping accommodation as a traveller—at the commencement of this Act; or

(ii)

*Innkeepers.*

- (ii) where the day on which he becomes so entitled is a day that is later than the day on which this Act commences—at the commencement of that later day; and
- (b) ending—
  - (i) where this Act commences on the day on which he ceases to be so entitled—at the expiration of that day; or
  - (ii) where the day on which he ceases to be so entitled is a day that is later than the day on which this Act commences—at the expiration of that later day.

5. Subject to this Act, the keeper of an inn shall be under the like liability to make good damage to property brought to the inn by or on behalf of a traveller using its facilities as is imposed on him by law with respect to the loss thereof.

*Liability for damage to property.*

6. The liability imposed by law on the keeper of an inn to make good the loss while at the inn, whether by theft or otherwise, of property brought to the inn by or on behalf of a traveller using its facilities, and the like liability imposed by section five of this Act with respect to damage thereto, shall not be incurred by the innkeeper where—

*Exclusion of liability in certain cases.*

- (a) the property lost or damaged is a vehicle or anything therein, or a horse or other live animal or its harness or other equipment; or
- (b) the traveller is not a guest at the inn within the meaning of this Act,

unless the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or his servant.

7. (1) Subject to this section and section six of this Act, the amount payable in respect of the liability of the keeper of an inn to any one traveller who is a guest at the inn with respect to property that, while at the inn, is lost, whether by theft or otherwise, or damaged shall not exceed one hundred dollars.

*Limitation of liability in certain cases.*

In this subsection "liability" means liability imposed by law and includes the like liability imposed by section five of this Act.

(2)

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*Innkeepers.*

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(2) Subsection one of this section shall not have effect unless at the time the property that was lost or damaged was brought to the inn, and at all times while the traveller was a guest at the inn, a copy of the notice set forth in the Schedule to this Act, printed in plain type, was conspicuously displayed—

(a) in a place at or near the reception office or reception desk of the inn or, where there is no such office or desk, at or near the main entrance to the inn where it could conveniently be read—

(i) by the traveller, on and after his arrival at the inn; and

(ii) where the property was not brought to the inn by the traveller, by the person who brought the property to the inn; and

(b) in a place where it could conveniently be read in the room in which was situated the sleeping accommodation engaged for the traveller.

(3) Notwithstanding compliance with the conditions specified in subsection two of this section, subsection one of this section shall not have effect where, after the traveller became a guest at the inn—

(a) the property that was lost or damaged was deposited by him or on his behalf expressly for safe custody with the innkeeper or his servant authorised, or appearing to be authorised, for the purpose and, if so required by the innkeeper or that servant, in a container fastened or sealed by the depositor; or

(b) he, or some person on his behalf, was unable to deposit the property as provided by paragraph (a) of this subsection by reason of the refusal of the innkeeper or such a servant to receive it or by reason of some other default of the innkeeper or servant,

or where the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or his servant.



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*Innkeepers.*

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8. Without prejudice to any other right he may have with respect thereto, an innkeeper, in his capacity as an innkeeper, shall not have any lien on property referred to in paragraph (a) of section six of this Act.

Abolition of innkeeper's lien over certain property.

9. Any person supplied with a meal or accommodation at an inn the premises whereof are not licensed under Part III of the Liquor Act, 1912, as subsequently amended, who on demand of payment made by the innkeeper or by his servant or agent fails or refuses to pay a reasonable sum therefor or by his actions avoids such demand or renders such demand impossible and fails to pay a reasonable sum therefor shall be liable on summary conviction to a penalty not exceeding forty dollars; and in addition thereto, the court hearing and determining the matter may order the offender to pay to the innkeeper such sum as it deems reasonable in respect of the meal or accommodation supplied to the offender.

Penalty on person failing or refusing to pay for meal or accommodation. cf. Act No. 42, 1912, s. 69.

10. The Liquor Act, 1912, as subsequently amended, is amended—

Amendment of Act No. 42, 1912.

- (a) by omitting from section seventy-two the words "Innkeepers' Liability Act, 1902" and by inserting in lieu thereof the words "Innkeepers Act, 1968, and any Act amending or replacing that Act";
- (b) by omitting from the same section the words "of the said cited Act" and by inserting in lieu thereof the word "thereof".

Sec. 72. (Innkeepers' Liability, saving of.)

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SCHEDULE.

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*Innkeepers.*

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Sec. 7.

**SCHEDULE.****NOTICE.****LOSS OF OR DAMAGE TO GUESTS' PROPERTY.**

UNDER the Innkeepers Act, 1968, an innkeeper may in certain circumstances be liable to make good any loss of or damage to a guest's property even though it was not due to any fault of the innkeeper or any servant in his employ.

This liability however—

- (a) extends only to the property of guests who have engaged sleeping accommodation at the inn;
- (b) is limited to one hundred dollars to any one guest except in the case of property which has been deposited, or offered for deposit, for safe custody;
- (c) does not cover motor-vehicles or other vehicles of any kind or any property left in them, or horses or other live animals.

This notice does not constitute an admission either that the Act applies to these premises or that liability thereunder attaches in any particular case.

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

**K. W. STREET,**  
*By Deputation from*  
*His Excellency the Governor.*

*Government House,*  
*Sydney, 10th October, 1968.*

