

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.

D. L. WHEELER,
for Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 March, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1977.

An Act to amend the Dog Act, 1966, with respect to liability for damage caused by a dog.

BE

Dog (Amendment).

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. This Act may be cited as the "Dog (Amendment) Act, Short title. 1977".

2. The Dog Act, 1966, is amended by omitting section 20 and by inserting instead the following sections :—

Amendment
of Act No.
2, 1966.
Secs.
20-20c.

20. (1) Subject to subsection (2), the owner of a dog shall be liable in damages in respect of—

(a) bodily injury to a person caused by the dog wounding that person; and

(b) damage to the clothing of a person caused by the dog,

in the course of attacking that person.

Liability
for injury
to a person
or damage
to his
clothing.

(2) Subsection (1) does not apply in the case of—

(a) an attack by a dog occurring on any land, vehicle or premises—

(i) of which the owner of the dog is an occupier; or

(ii) on which the dog is ordinarily kept; or

(b)

Dog (Amendment).

5 (b) an attack by a dog which is in immediate response to, and is wholly induced by, intentional cruelty to, or intentional provocation of, the dog by a person other than the owner of the dog, his servants or his agents.

(3) This section does not affect the liability apart from this section of any person for damage caused by a dog.

10 20A. Where the death of a person is caused by a dog wounding him and the person (if death had not ensued) would, in respect of bodily injury to him caused by the wounding, have been entitled, pursuant to section 20, to maintain an action against, and recover damages from, the owner of the dog, the wounding shall, for the purposes of the Compensation to Relatives Act of 1897, be treated as a wrongful act such as would (if death had not ensued) have entitled the person injured to maintain an action against, and recover damages from, the owner of the dog in respect of that act. Liability for death of person.

20 20B. (1) Subject to subsection (2), the owner of a dog shall be liable in damages in respect of injury (whether fatal or not fatal) to another animal caused by the dog attacking, worrying or chasing it. Liability for injury to animal.

25 (2) Subsection (1) does not apply in the case of—

- (a) a dog attacking, worrying or chasing another animal on any land, vehicle or premises—
 - (i) of which the owner of the dog is an occupier; or
 - (ii) on which the dog is ordinarily kept;
- (b) a dog attacking, worrying or chasing another animal where the attacking, worrying or chasing is in immediate response to, and is

wholly

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wholly induced by, intentional cruelty to, or intentional provocation of, the dog by a person other than the owner of the dog, his servants or his agents; or

- 5 (c) a dog attacking, worrying or chasing another dog.

(3) This section does not affect the liability apart from this section of any person for damage caused by a dog.

- 10 20c. (1) Notwithstanding anything in Part III of the Law Reform (Miscellaneous Provisions) Act, 1965, ^{Contributory negligence.} where—

- 15 (a) a person suffers damage that gives rise to a liability on the part of the owner of a dog to pay damages under section 20 or 20B; and
- (b) the damage is the result partly of contributory negligence on the part of the person who suffers the damage,

20 the damage shall, for the purposes of that Part of that Act, be deemed to have been suffered as the result partly of the fault of the owner of the dog and partly of the fault of the person suffering the damage.

- 25 (2) Subsection (1) does not affect the operation of Part III of the Law Reform (Miscellaneous Provisions) Act, 1965, in respect of any liability for damage caused by a dog that arises otherwise than under section 20 or 20B.

No. , 1977.

A BILL

To amend the Dog Act, 1966, with respect to liability for damage caused by a dog.

[MR F. J. WALKER—17 March, 1977.]

BE

Dog (Amendment).

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. This Act may be cited as the "Dog (Amendment) Act, Short title.
1977".

2. The Dog Act, 1966, is amended by omitting section
20 and by inserting instead the following sections :—

Amendment
of Act No.
2, 1966.
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10 20. (1) Subject to subsection (2), the owner of a
dog shall be liable in damages in respect of—

(a) bodily injury to a person caused by the dog
wounding that person; and

(b) damage to the clothing of a person caused by
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in the course of attacking that person.

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Dog (Amendment).

5 (b) an attack by a dog which is in immediate response to, and is wholly induced by, intentional cruelty to, or intentional provocation of, the dog by a person other than the owner of the dog, his servants or his agents.

(3) This section does not affect the liability apart from this section of any person for damage caused by a dog.

10 20A. Where the death of a person is caused by a dog wounding him and the person (if death had not ensued) would, in respect of bodily injury to him caused by the wounding, have been entitled, pursuant to section 20, to maintain an action against, and recover damages from, the owner of the dog, the wounding shall, for the purposes of the Compensation to Relatives Act of 1897, be treated as a wrongful act such as would (if death had not ensued) have entitled the person injured to maintain an action against, and recover damages from, the owner of the dog in respect of that act. Liability for death of person.

20 20B. (1) Subject to subsection (2), the owner of a dog shall be liable in damages in respect of injury (whether fatal or not fatal) to another animal caused by the dog attacking, worrying or chasing it. Liability for injury to animal.

25 (2) Subsection (1) does not apply in the case of—

- (a) a dog attacking, worrying or chasing another animal on any land, vehicle or premises—
 - (i) of which the owner of the dog is an occupier; or
 - (ii) on which the dog is ordinarily kept;
- (b) a dog attacking, worrying or chasing another animal where the attacking, worrying or chasing is in immediate response to, and is

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wholly induced by, intentional cruelty to, or intentional provocation of, the dog by a person other than the owner of the dog, his servants or his agents; or

- 5 (c) a dog attacking, worrying or chasing another dog.

(3) This section does not affect the liability apart from this section of any person for damage caused by a dog.

- 10 20c. (1) Notwithstanding anything in Part III of the Law Reform (Miscellaneous Provisions) Act, 1965, where— ^{Contributory negligence.}

- 15 (a) a person suffers damage that gives rise to a liability on the part of the owner of a dog to pay damages under section 20 or 20B; and

- (b) the damage is the result partly of contributory negligence on the part of the person who suffers the damage,

20 the damage shall, for the purposes of that Part of that Act, be deemed to have been suffered as the result partly of the fault of the owner of the dog and partly of the fault of the person suffering the damage.

- 25 (2) Subsection (1) does not affect the operation of Part III of the Law Reform (Miscellaneous Provisions) Act, 1965, in respect of any liability for damage caused by a dog that arises otherwise than under section 20 or 20B.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

PROOF

DOG (AMENDMENT) BILL, 1977

EXPLANATORY NOTE

THE object of this Bill is to give effect to the recommendations of the Law Reform Commission with respect to damage caused by a dog.

By the Bill—

- (a) the owner of a dog is, whether or not he is negligent, liable in damages where the dog attacks a person and wounds him or damages his clothing;
 - (b) the Compensation to Relatives Act of 1897 applies in appropriate circumstances where the death of a person is caused by a dog wounding him;
 - (c) with some exceptions, the owner of a dog is, whether or not he is negligent, liable in damages for injury (whether fatal or not) to another animal caused by the dog attacking, worrying or chasing the animal; and
 - (d) the defence of contributory negligence is available in the cases referred to in paragraphs (a) and (c) above in the same way as it would be if the owner of the dog had been negligent.
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PROOF

DOE (ARRINGTON) BILL, 1977

EXPLANATORY NOTE

The following is a summary of the main provisions of the Bill.

The Bill is divided into three parts, which are:

(a) Part I, which contains the provisions relating to the

constitution of the Board of Directors of the

Company, and the powers of the Board.

(b) Part II, which contains the provisions relating to the

management and control of the Company.

(c) Part III, which contains the provisions relating to the

accounts and financial statements of the Company.

The Bill also contains provisions relating to the

enforcement of the provisions of the Bill.

The Bill is intended to give effect to the

recommendations of the Committee on the

Company Law, and to amend the Companies Act, 1947.

The Bill is intended to be a consolidation of the

provisions of the Companies Act, 1947, and the

Companies (Amendment) Act, 1974, and the

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(a) bodily injury to a person caused by the dog
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(2) Subsection (1) does not apply in the case
of—

20 (a) an attack by a dog occurring on any land,
vehicle or premises—

(i) of which the owner of the dog is an
occupier; or

(ii) on which the dog is ordinarily kept; or
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5 (b) an attack by a dog which is in immediate response to, and is wholly induced by, intentional cruelty to, or intentional provocation of, the dog by a person other than the owner of the dog, his servants or his agents.

(3) This section does not affect the liability apart from this section of any person for damage caused by a dog.

10 20A. Where the death of a person is caused by a dog wounding him and the person (if death had not ensued) would, in respect of bodily injury to him caused by the wounding, have been entitled, pursuant to section 20, to maintain an action against, and recover damages from, the owner of the dog, the wounding shall, for the purposes of the Compensation to Relatives Act of 1897, be treated as a wrongful act such as would (if death had not ensued) have entitled the person injured to maintain an action against, and recover damages from, the owner of the dog in respect of that act. Liability for death of person.

20 20B. (1) Subject to subsection (2), the owner of a dog shall be liable in damages in respect of injury (whether fatal or not fatal) to another animal caused by the dog attacking, worrying or chasing it. Liability for injury to animal.

25 (2) Subsection (1) does not apply in the case of—

(a) a dog attacking, worrying or chasing another animal on any land, vehicle or premises—

(i) of which the owner of the dog is an occupier; or

30 (ii) on which the dog is ordinarily kept;

(b) a dog attacking, worrying or chasing another animal where the attacking, worrying or chasing is in immediate response to, and is

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wholly induced by, intentional cruelty to, or intentional provocation of, the dog by a person other than the owner of the dog, his servants or his agents; or

- 5 (c) a dog attacking, worrying or chasing another dog.

(3) This section does not affect the liability apart from this section of any person for damage caused by a dog.

- 10 20c. (1) Notwithstanding anything in Part III of the Law Reform (Miscellaneous Provisions) Act, 1965, ^{Contributory negligence.} where—

- 15 (a) a person suffers damage that gives rise to a liability on the part of the owner of a dog to pay damages under section 20 or 20B; and
- (b) the damage is the result partly of contributory negligence on the part of the person who suffers the damage,

20 the damage shall, for the purposes of that Part of that Act, be deemed to have been suffered as the result partly of the fault of the owner of the dog and partly of the fault of the person suffering the damage.

- 25 (2) Subsection (1) does not affect the operation of Part III of the Law Reform (Miscellaneous Provisions) Act, 1965, in respect of any liability for damage caused by a dog that arises otherwise than under section 20 or 20B.

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 27, 1977.

An Act to amend the Dog Act, 1966, with respect to liability for damage caused by a dog. [Assented to, 13th April, 1977.]

BE

Dog (Amendment).

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. 1. This Act may be cited as the "Dog (Amendment) Act, 1977".

Amendment of Act No. 2, 1966. Secs. 20–20c. 2. The Dog Act, 1966, is amended by omitting section 20 and by inserting instead the following sections :—

Liability for injury to a person or damage to his clothing.

20. (1) Subject to subsection (2), the owner of a dog shall be liable in damages in respect of—

- (a) bodily injury to a person caused by the dog wounding that person; and
- (b) damage to the clothing of a person caused by the dog,

in the course of attacking that person.

(2) Subsection (1) does not apply in the case of—

- (a) an attack by a dog occurring on any land, vehicle or premises—
 - (i) of which the owner of the dog is an occupier; or
 - (ii) on which the dog is ordinarily kept; or
- (b)

Dog (Amendment).

- (b) an attack by a dog which is in immediate response to, and is wholly induced by, intentional cruelty to, or intentional provocation of, the dog by a person other than the owner of the dog, his servants or his agents.

(3) This section does not affect the liability apart from this section of any person for damage caused by a dog.

20A. Where the death of a person is caused by a dog wounding him and the person (if death had not ensued) would, in respect of bodily injury to him caused by the wounding, have been entitled, pursuant to section 20, to maintain an action against, and recover damages from, the owner of the dog, the wounding shall, for the purposes of the Compensation to Relatives Act of 1897, be treated as a wrongful act such as would (if death had not ensued) have entitled the person injured to maintain an action against, and recover damages from, the owner of the dog in respect of that act. Liability
for death
of person.

20B. (1) Subject to subsection (2), the owner of a dog shall be liable in damages in respect of injury (whether fatal or not fatal) to another animal caused by the dog attacking, worrying or chasing it. Liability
for injury
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(2) Subsection (1) does not apply in the case of—

- (a) a dog attacking, worrying or chasing another animal on any land, vehicle or premises—
- (i) of which the owner of the dog is an occupier; or
 - (ii) on which the dog is ordinarily kept;
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wholly induced by, intentional cruelty to, or intentional provocation of, the dog by a person other than the owner of the dog, his servants or his agents; or

- (c) a dog attacking, worrying or chasing another dog.

(3) This section does not affect the liability apart from this section of any person for damage caused by a dog.

Contributory
negligence.

20c. (1) Notwithstanding anything in Part III of the Law Reform (Miscellaneous Provisions) Act, 1965, where—

- (a) a person suffers damage that gives rise to a liability on the part of the owner of a dog to pay damages under section 20 or 20B; and
- (b) the damage is the result partly of contributory negligence on the part of the person who suffers the damage,

the damage shall, for the purposes of that Part of that Act, be deemed to have been suffered as the result partly of the fault of the owner of the dog and partly of the fault of the person suffering the damage.

(2) Subsection (1) does not affect the operation of Part III of the Law Reform (Miscellaneous Provisions) Act, 1965, in respect of any liability for damage caused by a dog that arises otherwise than under section 20 or 20B.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 31 March, 1977.*

New South Wales



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ELIZABETHÆ II REGINÆ

Act No. 27, 1977.

An Act to amend the Dog Act, 1966, with respect to liability for damage caused by a dog. [Assented to, 13th April, 1977.]

BE

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

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Dog (Amendment).

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:—

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- (c) a dog attacking, worrying or chasing another dog.

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Contributory negligence.

20c. (1) Notwithstanding anything in Part III of the Law Reform (Miscellaneous Provisions) Act, 1965, where—

- (a) a person suffers damage that gives rise to a liability on the part of the owner of a dog to pay damages under section 20 or 20B; and
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(2) Subsection (1) does not affect the operation of Part III of the Law Reform (Miscellaneous Provisions) Act, 1965, in respect of any liability for damage caused by a dog that arises otherwise than under section 20 or 20B.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 13th April, 1977.*