

**NORTHERN TERRITORY OF AUSTRALIA**

**LAW REFORM (MISCELLANEOUS PROVISIONS) ACT**

As in force at 1 August 2006

**Table of provisions**

|                |   |   |
|----------------|---|---|
| <b>Part I</b>  | <b>Preliminary</b>  |   |
| 1              | Short title .....   | 1 |
| 3              | Repeal .....  | 1 |
| 4              | Ordinance to bind Crown .....   | 1 |
| <b>Part II</b> | <b>Survival of causes of actions</b>  |   |
| 5              | Effect of death on certain causes of action .....   | 1 |
| 6              | Damages in actions which survive under this Part .....  | 1 |
| 7              | Conditions precedent to survival of causes of action .....  | 2 |
| 8              | Provision for cases where person liable dies before or at time<br>of damage.....  | 3 |
| 9              | Saving of other rights.....   | 3 |
| <b>Part IV</b> | <b>Proceedings against and contributions<br/>between tort-feasors</b>   |   |
| 11             | Interpretation .....  | 3 |
| 12             | Proceedings against and contribution between joint and<br>several tort-feasors.....   | 4 |
| 13             | Extent of contribution .....  | 4 |
| 14             | Exemptions.....   | 5 |
| <b>Part V</b>  | <b>Contributory negligence</b>  |   |
| 15             | Interpretation .....  | 5 |
| 16             | Apportionment of liability .....  | 6 |
| 17             | Application of Part IV .....  | 7 |
| 18             | Claims by third parties .....   | 7 |
| 19             | Pleading of statute of limitations .....  | 7 |
| 20             | Where case is tried with jury.....  | 7 |
| 21             | Application of section 16.....  | 8 |
| 21A            | Transitional: application of section 16 on commencement of<br><i>Law Reform (Miscellaneous Provisions) Amendment Act 2001</i> ..... | 8 |
| <b>Part VI</b> | <b>Common employment</b>  |   |
| 22             | Abolition of rule of common employment.....   | 9 |
| 22A            | Rights in cases of vicarious liability .....  | 9 |

---

**Part VII                    Injury arising from mental or nervous shock**

|    |   |    |
|----|---|----|
| 23 | Definitions.....  | 10 |
| 24 | Personal injury received from mental or nervous shock ..... | 10 |
| 25 | Extension of liability in certain cases .....               | 10 |

**Part VIII                    Attachment of insurance moneys**

|    |   |    |
|----|---|----|
| 26 | Amount of liability to be charge on insurance moneys payable against that liability ..... | 11 |
| 27 | Enforcement of charge .....   | 12 |
| 28 | Protection of insurer .....   | 12 |
| 29 | Certain other provisions not affected .....   | 13 |

**Part VIIIA                    Liability for damage to property caused by children**

|     |  |    |
|-----|--|----|
| 29A | Liability for damage to property caused by children..... | 13 |
|-----|--|----|

**Part X                    Dogs**

|    |  |    |
|----|--|----|
| 31 | Interpretation .....   | 14 |
| 32 | Liability for damage caused by dogs .....                            | 14 |
| 33 | Defence against actions in relation to killing or injuring dogs..... | 14 |
| 34 | Protection of persons destroying dogs .....                          | 15 |
| 35 | Provision for guide-dogs or hearing dogs .....                       | 15 |

**ENDNOTES**

# NORTHERN TERRITORY OF AUSTRALIA

---

As in force at 1 August 2006

---

## LAW REFORM (MISCELLANEOUS PROVISIONS) ACT

### An Act to effect certain reforms in the law

#### **Part I Preliminary**

##### **1 Short title**

This Act may be cited as the *Law Reform (Miscellaneous Provisions) Act*.

##### **3 Repeal**

The *Wrongs Ordinance 1955* is repealed.

##### **4 Ordinance to bind Crown**

This Ordinance binds the Crown.

#### **Part II Survival of causes of actions**

##### **5 Effect of death on certain causes of action**

- (1) Subject to this Part, on the death of a person after the commencement of this Ordinance all causes of action subsisting against or vested in him survive against his estate or, as the case may be, for the benefit of his estate.
- (2) This section does not apply to causes of action for defamation or seduction or for inducing one spouse to leave or remain apart from the other or to claims for damages on the ground of adultery.

##### **6 Damages in actions which survive under this Part**

Where a cause of action survives under this Part for the benefit of the estate of a deceased person, the damages recoverable for the benefit of the estate of that person:

- (a) do not include exemplary damages;

- (b) in the case of a breach of promise to marry, are limited to such damage, if any, to the estate of that person as flows from the breach of promise to marry; and
- (c) where the death of that person has been caused by the act or omission which gives rise to the cause of action:
  - (i) shall be calculated without reference to any loss or gain to his estate consequent upon his death, except that a sum in respect of funeral expenses may be included; and
  - (ii) do not include damages for the pain or suffering of that person or for any bodily or mental harm suffered by him or for the curtailment of his expectation of life; and
  - (iii) shall be calculated without reference to the future probable earnings of the deceased if he had survived the consequences of the act or omission and without allowance being made for the loss of his earning capacity that relates to a period after his death.

## **7 Conditions precedent to survival of causes of action**

- (1) No proceedings are maintainable in respect of a cause of action in tort which, by virtue of this Part, has survived against the estate of the deceased person unless:
  - (a) proceedings against him in respect of that cause of action were pending at the date of his death; or
  - (b) the cause of action arose not earlier than 12 months before his death and proceedings are taken in respect of the cause of action not later than 12 months after his executor or administrator took out probate or letters of administration or within such further period as the Supreme Court, on an application made, either before or after the expiration of that period, allows.
- (2) The fact that the cause of action arose earlier than 12 months before the death of the deceased person is not, of itself, a bar to the maintenance of proceedings in respect of a cause of action referred to in subsection (1) where the court in which the proceedings are taken is satisfied that, having regard to all the circumstances of the case, it would be reasonable to allow the proceedings to continue.
- (3) Subsection (2) does not affect the operation of any law, other than this section, relating to the limitation of actions.

**8 Provision for cases where person liable dies before or at time of damage**

Where damage has been suffered by reason of an act or omission in respect of which a cause of action would have subsisted against a person if that person had not died before or at the same time as the damage was suffered, there shall be deemed, for the purposes of this Part, to have been subsisting against him before his death such cause of action in respect of that act or omission as would have subsisted if he had died after the damage was suffered.

**9 Saving of other rights**

- (1) The rights conferred by this Part for the benefit of the estates of deceased persons are in addition to, and not in derogation of, any rights conferred on the dependants of deceased persons by the *Compensation (Fatal Injuries) Ordinance* and so much of this Part as relates to causes of action against the estates of deceased persons applies in relation to causes of action under that Ordinance as it applies in relation to other causes of action not expressly excepted from the operation of section 5.
- (2) The rights conferred by this Part for the benefit of the estates of deceased persons and the obligations continued or created under or by virtue of this Part against the estates of deceased persons are in addition to, and not in derogation of, any rights conferred or obligations created by or under Part V of the *Motor Vehicles Ordinance*, or that Ordinance as amended from time to time.

**Part IV Proceedings against and contributions between tort-feasors****11 Interpretation**

In this Part:

- (a) **parent** and **child** have the same meanings as they have in the *Compensation (Fatal Injuries) Ordinance*; and
- (b) the reference to **the judgment first given** shall, in a case where that judgment is reversed on appeal, be construed as a reference to the judgment first given which is not so reversed, and, in a case where a judgment is varied on appeal, be construed as a reference to that judgment as so varied.

**12 Proceedings against and contribution between joint and several tort-feasors**

- (1) This section applies where damage is suffered by a person as a result of a tort (whether a crime or not).
- (2) Judgment recovered against a tort-feasor liable in respect of the damage is not a bar to an action against any other person who would, if sued, have been liable as a joint tort-feasor in respect of the same damage.
- (3) If more than one action is brought in respect of the damage by or on behalf of the person by whom it was suffered, or for the benefit of the estate, or of a spouse, de facto partner, brother, sister, half-brother, half-sister, parent or child, of that person against tort-feasors liable in respect of the damage (whether as joint tort-feasors or otherwise):
  - (a) the sums recoverable under the judgments given in those actions by way of damages do not in the aggregate exceed the amount of the damages awarded by the judgment first given; and
  - (b) in any of those actions other than that in which judgment is first given, the plaintiff is not entitled to costs unless the court is of opinion that there was reasonable ground for bringing the action.
- (4) A tort-feasor liable in respect of the damage may recover contribution from any other tort-feasor who is, or would if sued have been, liable in respect of the same damage, whether as a joint tort-feasor or otherwise, but no person is entitled to recover contribution under this section from a person entitled to be indemnified by him in respect of the liability in respect of which the contribution is sought.
- (5) Where the tort causing the damage was, or the torts causing the damage were, committed by a spouse or de facto partner of the person suffering the damage and some other person, that other person may recover contribution as mentioned in subsection (4) from a spouse or de facto partner, as if a spouse or de facto partner had been liable to the person suffering the damage.

**13 Extent of contribution**

In proceedings for contribution under section 12 the amount of the contribution recoverable from a person is such as is found by the court to be just and equitable, having regard to the extent of that person's responsibility for the damage, and the court has power to exempt a person from liability to make contribution, or to direct that the contribution to be recovered from a person shall amount to a

complete indemnity.

#### 14 Exemptions

Nothing in this Part:

- (a) applies with respect to a tort committed before the commencement of this Ordinance;
- (b) affects any criminal proceedings against a person in respect of a wrongful act; or
- (c) renders enforceable an agreement for indemnity which would not have been enforceable if this Part had not been enacted.

### Part V Contributory negligence

#### 15 Interpretation

- (1) In this Part:

**court** means, in relation to a claim, the court or arbitrator by or before whom the claim falls to be determined.

**damage** includes loss of life and personal injury.

**dependant** means a person for whose benefit an action could be brought under the *Compensation (Fatal Injuries) Ordinance*.

**wrong** means an act or omission that:

- (a) gives rise to a liability in the tort of negligence;
  - (b) amounts to a breach of a contractual duty of care that is concurrent with a duty of care in tort; or
  - (c) amounts to a breach of statutory duty.
- (2) A reference in this Part to the wrong of a person shall be deemed to include a reference to a wrong for which that person is vicariously responsible.

**16 Apportionment of liability**

- (1) If a person suffers damage as the result partly of the person's failure to take reasonable care and partly of the wrong of another person or other persons:
  - (a) a claim in respect of the damage is not defeated by reason of the contributory negligence of the person suffering the damage; and
  - (b) the damages recoverable in respect of the wrong are to be reduced to the extent the court thinks just and equitable having regard to the claimant's share in the responsibility for the damage.
- (2) Subsection (1) does not operate to defeat any defence arising under a contract.
- (2A) If a contract or enactment providing for the limitation of liability is applicable to a claim in respect of damage referred to in subsection (1), the amount of damages recoverable by the claimant is not to exceed the maximum limit applicable under the contract or enactment.
- (3) Where damages are recoverable by a person by virtue of subsection (1) subject to the reduction specified in that subsection, the court shall find and record the total damages which, apart from any limitation of liability provided by contract or enactment or any limitation of the jurisdiction of the court, would have been recoverable but for the claimant's share in the responsibility for the damage.
- (4) Where damages are recoverable by virtue of subsection (1) subject to the reduction specified in that subsection, and a contract or enactment providing for a limitation of liability is applicable to the claim or the jurisdiction of the court is limited:
  - (a) the total damages found in accordance with subsection (3) shall be reduced to such extent as the court thinks just and equitable having regard to the claimant's share in responsibility for the damage, and the reduced amount is, except as provided in paragraph (b) the amount recoverable; and
  - (b) if the amount of damages as reduced under paragraph (a) exceeds the limit provided for in the contract or enactment or the limit of the jurisdiction of the court, the court shall award the maximum amount of damages permitted by the contract or enactment, or by the limit of the court's jurisdiction.



**17 Application of Part IV**

- (1) The provisions of Part IV apply in any case where 2 or more persons are liable, or would, if they had all been sued, be liable, by virtue of section 16 in respect of the damage suffered by a person.
- (2) Where a person dies as the result partly of his own wrong and partly of the wrong of another person or other persons, and accordingly, if an action were brought for the benefit of the estate under Part II, the damages recoverable would be reduced under section 16, any damages recoverable in an action brought for the benefit of the dependants of that person under the *Compensation (Fatal Injuries) Ordinance* shall be reduced to a proportionate extent.

**18 Claims by third parties**

Where:

- (a) a person (in this section called ***the injured person***) suffers damage as a result partly of his own wrong and partly of the wrong of another person or other persons; and
- (b) by reason of the damage to the injured person a third person suffers damage (whether by way of the loss of the society or services of the injured person or otherwise),

the wrong of the injured person shall, in a claim by the third person for the damage so suffered by him, be taken into account under section 16 for the purpose of reducing the damages recoverable by the third person as if the wrong of the injured person were the wrong of the third person.

**19 Pleading of statute of limitations**

Where, in a case to which section 16 applies, one of the persons at wrong avoids liability to another such person or his personal representative by pleading an enactment limiting the time within which proceedings may be taken, he is not entitled to recover damages or contribution from that other person or representative by virtue of that section.

**20 Where case is tried with jury**

Where a case to which section 16 applies is tried with a jury, the jury shall determine the total damages which, apart from any limitation of liability provided by contract or enactment or any limitation of the jurisdiction of the court, would have been recoverable if the claimant had not been at wrong, and the extent to which those damages are to be reduced.

**21 Application of section 16**

Section 16 does not apply to:

- (a) a claim to which section 259 of the *Navigation Act 1912* of the Commonwealth applies; and
- (b) a case where the wrong giving rise to a claim occurred before 28 June 1956 (which is the date of the commencement of the *Law Reform (Miscellaneous Provisions) Ordinance 1956*).

**21A Transitional: application of section 16 on commencement of Law Reform (Miscellaneous Provisions) Amendment Act 2001**

- (1) This section applies subject to section 21.
- (2) Subject to subsection (3), section 16 as in force on and after the commencement of the *Law Reform (Miscellaneous Provisions) Amendment Act 2001* applies to a wrong committed before that commencement as if that Act were in force when the wrong was committed.
- (3) Section 16 as in force before the commencement of the *Law Reform (Miscellaneous Provisions) Amendment Act 2001* continues after that commencement to apply, as if that Act had not commenced, to a wrong committed before that commencement about which:
  - (a) legal proceedings were commenced before that commencement (whether or not the legal proceedings are finally determined, subject to appeal or discontinued or otherwise not proceeded with before or after that commencement); or
  - (b) the persons responsible for the damage had before that commencement entered into an agreement (including an agreement about liability only) to settle claims arising from the wrong.
- (4) For the avoidance of doubt concerning the application of subsection (3)(a), the following legal proceedings are to be determined as if the *Law Reform (Miscellaneous Provisions) Amendment Act 2001* had not commenced:
  - (a) legal proceedings referred to in subsection (3)(a);
  - (b) any other legal proceedings that are about the wrong the subject of legal proceedings referred to in subsection (3)(a) and that are commenced after those legal proceedings (whether before or after the commencement of the *Law*

*Reform (Miscellaneous Provisions) Amendment Act 2001).***Part VI Common employment****22 Abolition of rule of common employment**

- (1) Where injury or damage is suffered by a servant by reason of the wrongful act, neglect or default of a fellow servant, the employer of those servants is liable in damages in respect of that injury or damage in the same manner and in the same cases as if those servants had not been engaged in a common employment.
- (2) This section applies to injury or damage arising from a wrongful act, neglect or default committed after the date of commencement of this Ordinance, whether the contract of employment was made before or is made after that date.

**22A Rights in cases of vicarious liability**

- (1) Notwithstanding any other law in force in the Territory, or the provisions, express or implied, of a contract or agreement, where an employee commits a tort for which his employer is vicariously liable:
  - (a) the employee shall not be liable to indemnify the employer in relation to the vicarious liability incurred by the employer; and
  - (b) unless the employee is otherwise entitled to indemnity in relation to his liability, the employer shall be liable to indemnify the employee in relation to the liability incurred by the employee,arising from the commission of the tort.
- (2) Where an employer is proceeded against for the tort of his employee, and the employee is entitled in pursuance of a policy of insurance or contract of indemnity to be indemnified in relation to a liability that he may incur in relation to the tort, the employer shall be subrogated to the rights of the employee under the policy or contract in relation to the liability incurred by the employer, arising from the commission of the tort.
- (3) Where a person commits serious and wilful, or gross, misconduct in the course of his employment and the misconduct constitutes a tort, subsection (1) shall not apply in relation to the tort.

## **Part VII Injury arising from mental or nervous shock**

### **23 Definitions**

In this Part:

**child**, in relation to a person, means the son, daughter, grandson, granddaughter, step-son or step-daughter of that person, or a person to whom that person stands in loco parentis.

**member of the family**, in relation to a person, means the husband, wife, de facto partner, parent, child, brother, sister, half-brother or half-sister of that person.

**parent**, in relation to a person, means the father, mother, grandfather, grandmother, step-father or step-mother of that person, or a person standing in loco parentis to that person.

### **24 Personal injury received from mental or nervous shock**

- (1) In an action for injury to the person caused after the commencement of this Ordinance, the plaintiff is not debarred from recovering damages merely because the injury complained of arose wholly or in part from mental or nervous shock.
- (2) In determining a question of liability for injury to the person caused before the commencement of this Ordinance, no regard shall be paid to the fact that this section has been enacted or to the provisions of this section.

### **25 Extension of liability in certain cases**

- (1) The liability of a person in respect of injury caused after the commencement of this Ordinance by act, neglect or default by which another person is killed, injured or put in peril extends to include liability for injury arising wholly or in part from mental or nervous shock sustained by:
  - (a) a parent or the husband or wife or de facto partner of the person so killed, injured or put in peril; or
  - (b) another member of the family of the person so killed, injured or put in peril, where the person was killed, injured or put in peril within the sight or hearing of that other member of the family.
- (2) Where an action is brought by a member of the family of a person so killed, injured or put in peril in respect of liability for injury arising wholly or in part from mental or nervous shock sustained by the

plaintiff and claims have been made against or are apprehended by the defendant at the suit of other members of the family of that person in respect of liability arising by operation of subsection (1) out of the same act, neglect or default, the defendant may apply to the Court for the exercise of its powers under subsection (3).

- (3) The Court may thereupon stay any proceedings pending at the suit of any such other member of the family arising out of the same act, neglect or default and may proceed in such manner and subject to such orders as to:
- (a) making members of the family of the person killed, injured or put in peril parties to the action;
  - (b) who is to have the carriage of the action; and
  - (c) the exclusion of any member of the family who does not come in within a time fixed by the Court,
- as the Court thinks just.
- (4) Where an application under subsection (2) is made, the action shall be for the benefit of the original plaintiff and such members of the family of the person killed, injured or put in peril as are joined by the Court as plaintiffs in pursuance of the application, and the Court (or, if there is a jury, the jury) may give such damages as it thinks proportioned to the injury resulting to the plaintiffs respectively, and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the plaintiffs in such shares as the Court (or, if there is a jury, the jury) decides.
- (5) An action in respect of a liability arising by operation of subsection (1) shall be brought in the Supreme Court.

## **Part VIII                    Attachment of insurance moneys**

### **26                    Amount of liability to be charge on insurance moneys payable against that liability**

- (1) If a person (in this Part referred to as ***the insured***) has, whether before or after the commencement of this Ordinance, entered into a contract of insurance by which he is indemnified against liability to pay any damages or compensation, the amount of his liability is, on the happening of the event giving rise to the claim for damages or compensation, and notwithstanding that the amount of the liability may not then have been determined, a charge on all insurance moneys that are or may become payable in respect of that liability.

- (2) If, on the happening of the event giving rise to the claim for damages or compensation, the insured (being a corporation) is being wound up, or if any subsequent winding-up of the insured (being a corporation) is deemed to have commenced not later than the happening of that event, the provisions of subsection (1) apply notwithstanding the winding-up.
- (3) Every charge created by this section has priority over all other charges affecting the insurance moneys, and where the same insurance moneys are subject to 2 or more charges by virtue of this section those charges have priority between themselves in the order of the dates of the events out of which the liability arose, or, if the charges arise out of events happening on the same date, they rank equally between themselves.

## **27 Enforcement of charge**

- (1) Subject to subsection (2), a charge created by this Part is enforceable by way of an action against the insurer in the same way and in the same court as if the action were an action to recover damages or compensation from the insured.
- (2) In respect of any such action and of the judgment given in any such action the parties have, to the extent of the charge, the same rights and liabilities, and the court has the same powers, as if the action were against the insured.
- (3) Except where the provisions of subsection (2) of section 26 apply, no such action shall be commenced in any court except with the leave of that court, and leave shall not be granted where the court is satisfied that the insurer is entitled under the terms of the contract of insurance to disclaim liability, and that any proceedings, including arbitration proceedings, necessary to establish that the insurer is so entitled to disclaim have been taken.
- (4) Such an action may be brought although judgment has been already recovered against the insured for damages or compensation in respect of the same matter.

## **28 Protection of insurer**

- (1) Notwithstanding anything in this Part, a payment made by an insurer under the contract of insurance without actual notice of the existence of a charge under this Part is, to the extent of that payment, a valid discharge to the insurer.
- (2) An insurer is not liable under this Part for any greater sum than that fixed by the contract of insurance between himself and the insured.

**29 Certain other provisions not affected**

Nothing in this Part affects the operation of any of the provisions of the *Workmen's Compensation Ordinance* or Part V of the *Motor Vehicles Ordinance*.

**Part VIII A Liability for damage to property caused by children**

**29A Liability for damage to property caused by children**

- (1) In this section, **child** means a person who has not attained the age of 18 years.
- (2) Where, after the commencement of this section, a child intentionally causes damage to property, a parent of the child is, subject to this section, jointly and severally liable with the child for the damage caused to the property where, at the time the damage was caused, the child was:
  - (a) ordinarily resident with that parent; and
  - (b) not in full time employment.
- (3) Where, after the commencement of this section, a detainee, within the meaning of the *Youth Justice Act*, intentionally causes damage to property, the Territory is, subject to this section, jointly and severally liable with the detainee for the damage caused to the property.
- (4) The maximum amount that may be recovered from any parent or parents under subsection (2) (whether sued individually or jointly) or the Territory under subsection (3) is \$5,000 in respect of damage caused by a child or detainee referred to in those subsections, as the case may be.
- (5) Nothing in this section shall be construed as:
  - (a) affecting or limiting a cause of action which may otherwise lie in or in relation to damage caused to property by a child or detainee; or
  - (b) imposing liability on a parent under subsection (2) in respect of damage caused by a detainee referred to in subsection (3).

## **Part X Dogs**

### **31 Interpretation**

In this Act:

***dog*** means an animal of the genus *Canis*.

***premises*** includes any land or building.

### **32 Liability for damage caused by dogs**

- (1) The owner of a dog is liable for any loss, damage or injury as a result of the actions of the dog.
- (2) In an action for damages under this section, it shall not be necessary to prove a previous mischievous propensity in the dog or that the loss, damage or injury was attributable to neglect on the part of the owner.

### **33 Defence against actions in relation to killing or injuring dogs**

- (1) It is a defence to a prosecution for or civil action in relation to the killing or injuring of a dog if:
  - (a) the defendant was not a trespasser on the premises on which the dog was;
  - (b) the defendant or another person, or a bird or animal belonging to the defendant, was, at the time that the dog was killed or injured, being attacked by the dog, or the defendant believed, on reasonable grounds, that such an attack was about to take place; and
  - (c) the defendant did not provoke the attack or impending attack.
- (2) For the purposes of subsection (1), a bird or animal is deemed to belong to the defendant if it belongs to a person who authorised the defendant to control it.
- (3) Where a person kills or injures a dog on premises of which he or she is the occupier or on which he or she is authorised by the occupier to be, that person shall be deemed to have established a prima facie defence under subsection (1).



**34 Protection of persons destroying dogs**

- (1) A person who destroys a dog in pursuance of a law of the Territory or if the dog is so diseased or injured that it is humane to do so is not liable in respect of that destruction.
- (2) A person who destroys a dog on the request of another person is not liable in respect of that destruction if he or she had reasonable cause to believe that the person who made the request was the owner of the dog.

**35 Provision for guide-dogs or hearing dogs**

Notwithstanding any other law in force in the Territory:

- (a) a person who is wholly or partially blind or deaf is entitled to be accompanied by a guide-dog or hearing dog, as the case may be, into a building or place open to or used by the public for any purpose whatsoever or into a vehicle, vessel or craft used for the carriage of passengers for hire or reward and shall not be guilty of an offence by reason only that the person takes that dog into or permits that dog to enter such a building, place, vehicle, vessel or craft; and
- (b) an occupier or person in charge of a building or place open to or used by the public or in charge of a vehicle, vessel or craft used for the carriage of passengers for hire or reward shall not refuse entry into any such building, place, vehicle, vessel or craft, or deny accommodation or service to a person who is wholly or partially blind or deaf, by reason only that the person is accompanied by a guide-dog or hearing dog.

Penalty: \$500.

---

**ENDNOTES**
**1 KEY**

Key to abbreviations

|                              |                                     |
|------------------------------|-------------------------------------|
| <b>amd = amended</b>         | <b>od = order</b>                   |
| <b>app = appendix</b>        | <b>om = omitted</b>                 |
| <b>bl = by-law</b>           | <b>pt = Part</b>                    |
| <b>ch = Chapter</b>          | <b>r = regulation/rule</b>          |
| <b>cl = clause</b>           | <b>rem = remainder</b>              |
| <b>div = Division</b>        | <b>renum = renumbered</b>           |
| <b>exp = expires/expired</b> | <b>rep = repealed</b>               |
| <b>f = forms</b>             | <b>s = section</b>                  |
| <b>Gaz = Gazette</b>         | <b>sch = Schedule</b>               |
| <b>hdg = heading</b>         | <b>sdiv = Subdivision</b>           |
| <b>ins = inserted</b>        | <b>SL = Subordinate Legislation</b> |
| <b>lt = long title</b>       | <b>sub = substituted</b>            |
| <b>nc = not commenced</b>    |                                     |

**2 LIST OF LEGISLATION*****Law Reform (Miscellaneous Provisions) Ordinance 1956 (Act No. 31, 1956)***

|             |              |
|-------------|--------------|
| Assent date | 28 June 1956 |
| Commenced   | 28 June 1956 |

***Law Reform (Miscellaneous Provisions) Ordinance 1967 (Act No. 13, 1967)***

|             |               |
|-------------|---------------|
| Assent date | 19 April 1967 |
| Commenced   | 19 April 1967 |

***Ordinances Revision Ordinance 1973 (Act No. 87, 1973)***

|             |                            |
|-------------|----------------------------|
| Assent date | 11 December 1973           |
| Commenced   | 11 December 1973 (s 12(2)) |

**Amending Legislation*****Ordinances Revision Ordinance 1974 (Act No. 34, 1974)***

|             |                           |
|-------------|---------------------------|
| Assent date | 26 August 1974            |
| Commenced   | 11 December 1973 (s 3(2)) |

***Ordinances Revision Ordinance (No. 2) 1974 (Act No. 69, 1974)***

|             |                        |
|-------------|------------------------|
| Assent date | 24 October 1974        |
| Commenced   | 11 December 1973 (s 3) |

***Ordinances Revision Ordinance 1976 (Act No. 27, 1976)***

|             |   |
|-------------|---|
| Assent date | 28 June 1976  |
| Commenced   | ss 1, 2 and 6: 28 June 1976 (s 6(2));<br>ss 3 and 4: 11 December 1973; s 5: 24 October 1974 |

***Statute Law Revision Act (No. 2) 1979 (Act No. 128, 1979)***

|             |                 |
|-------------|-----------------|
| Assent date | 15 October 1979 |
| Commenced   | 15 October 1979 |

---

***Law Reform (Miscellaneous Provisions) Amendment Act 1984 (Act No. 16, 1984)***

Assent date 12 July 1984  
Commenced 12 July 1984

***Law Reform (Miscellaneous Provisions) Amendment Act 1986 (Act No. 9, 1986)***

Assent date 19 May 1986  
Commenced 1 July 1986 (*Gaz G24*, 18 June 1986, p 8)

***Married Persons (Equality of Status) Act 1989 (Act No. 76, 1989)***

Assent date 12 December 1989  
Commenced 12 December 1989

***Local Court (Consequential Amendments) Act 1990 (Act No. 31, 1990)***

Assent date 11 June 1990  
Commenced s 5: 11 June 1990 (s 2(1)); rem: 1 January 1991 (s 2(2), s 2 *Local Court Act 1989* (Act No. 31, 1989) and *Gaz G49*, 12 December 1990, p 2)

***Law Reform (Miscellaneous Provisions) Amendment Act 1991 (Act No. 6, 1991)***

Assent date 7 March 1991  
Commenced 3 April 1992 (s 2, s 2 *Dog Act Repeal Act 1991* (Act No. 5, 1991) and *Gaz S21*, 3 April 1992)

***Law Reform (Miscellaneous Provisions) Amendment Act (No. 2) 1991 (Act No. 44, 1991)***

Assent date 26 September 1991  
Commenced 1 January 1992 (*Gaz S63*, 16 December 1991)

***De Facto Relationships (Miscellaneous Amendments) Act 1991 (Act No. 82, 1991)***

Assent date 24 December 1991  
Commenced 1 January 1992 (s 2)

***Law Reform (Miscellaneous Provisions) Amendment Act 1992 (Act No. 10, 1992)***

Assent date 21 April 1992  
Commenced 3 April 1992 (s 2, s 2 *Dog Act Repeal Act 1991* (Act No. 5, 1991) and *Gaz S21*, 3 April 1992)

***Sentencing of Juveniles (Miscellaneous Provisions) Act 2000 (Act No. 17, 2000)***

Assent date 30 May 2000  
Commenced 1 June 2000 (s 2)

***Law of Property (Consequential Amendments) Act 2000 (Act No. 46, 2000)***

Assent date 12 September 2000  
Commenced 1 December 2000 (s 2, s 2 *Law of Property Act 2000* (Act No. 1, 2000) and *Gaz G38*, 27 September 2000, p 2)

***Statute Law Revision Act 2001 (Act No. 3, 2001)***

Assent date 22 March 2001  
Commenced 22 March 2001

***Law Reform (Miscellaneous Provisions) Amendment Act 2001 (Act No. 12, 2001)***

Assent date 28 June 2001  
Commenced 1 August 2001 (*Gaz G29*, 25 July 2001, p 2)

***Law Reform (Miscellaneous Provisions) Amendment Act (No. 2) 2001 (Act No. 26, 2001)***

Assent date 19 July 2001  
Commenced 19 July 2001

---

***Personal Injuries (Liabilities and Damages) (Consequential Amendments) Act 2003 (Act No. 4, 2003)***

Assent date 18 March 2003  
Commenced 1 May 2003 (*Gaz* G17, 30 April 2003, p 3)

***Law Reform (Gender, Sexuality and De Facto Relationships) Act 2003 (Act No. 1, 2004)***

Assent date 7 January 2004  
Commenced 17 March 2004 (*Gaz* G11, 17 March 2004, p 8)

***Statute Law Revision Act (No. 2) 2004 (Act No. 54, 2004)***

Assent date 15 September 2004  
Commenced 27 October 2004 (*Gaz* G43, 27 October 2004, p 3)

***Youth Justice (Consequential Amendments) Act 2005 (Act No. 33, 2005)***

Assent date 22 September 2005  
Commenced 1 August 2006 (s 2, s 2 *Youth Justice Act 2005* (Act No. 32, 2005) and *Gaz* G30, 26 July 2006, p 3)

### 3 SAVINGS AND TRANSITIONAL PROVISIONS

- s 3 *Law Reform (Miscellaneous Provisions) Ordinance 1967* (Act No. 13, 1967)
- s 3 *Law Reform (Miscellaneous Provisions) Amendment Act 1984* (Act No. 16, 1984)
- s 5 *Law Reform (Miscellaneous Provisions) Amendment Act 1986* (Act No. 9, 1986)
- s 8(3) *De Facto Relationships (Miscellaneous Amendments) Act 1991* (Act No. 82, 1991)
- s 3(2) and (3) *Personal Injuries (Liabilities and Damages) (Consequential Amendments) Act 2003* (Act No. 4, 2003)
- s 74 *Law Reform (Gender, Sexuality and De Facto Relationships) Act 2003* (Act No. 1, 2004)

### 4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Ordinances Revision Ordinance 1973* (as amended) to the following provisions: ss 7, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 25, 26, 27 and 29.

### 5 LIST OF AMENDMENTS

- s 2 rep No. 128, 1979, s 37
- s 6 amd No. 9, 1986, s 4
- s 7 amd No. 13, 1967, s 2
- s 9 amd No. 13, 1967, s 3
- pt III hdg rep No. 76, 1989, s 7
- ins No. 26, 2001, s 2
- rep No. 54, 2004, s 3
- s 10 rep No. 76, 1989, s 7
- ins No. 26, 2001, s 2
- rep No. 4, 2003, s 3
- s 10A ins No. 26, 2001, s 2
- rep No. 4, 2003, s 3

## ENDNOTES

---

|               |   |
|---------------|---|
| s 11          | amd No. 3, 2001, s 8  |
| s 12          | amd No. 1, 2004, s 62   |
| s 15          | amd No. 12, 2001, s 4   |
| s 16          | amd No. 12, 2001, s 5   |
| ss 17 – 20    | amd No. 12, 2001, s 7   |
| s 21          | sub No. 12, 2001, s 6   |
| s 21A         | ins No. 12, 2001, s 6   |
| s 22A         | ins No. 16, 1984, s 2   |
| s 23          | amd No. 82, 1991, s 8; No. 1, 2004, s 62                          |
| s 25          | amd No. 82, 1991, s 8   |
| pt VIII A hdg | ins No. 44, 1991, s 3   |
| s 29A         | ins No. 44, 1991, s 3<br>amd No. 17, 2000, s 6; No. 33, 2005, s 5 |
| pt IX hdg     | ins No. 31, 1990, s 4<br>rep No. 46, 2000, s 4                    |
| s 30          | ins No. 31, 1990, s 4<br>rep No. 46, 2000, s 4                    |
| pt X hdg      | ins No. 6, 1991, s 3  |
| ss 31 – 34    | ins No. 6, 1991, s 3  |
| s 35          | ins No. 10, 1992, s 3   |