

**DOG (AMENDMENT) ACT, 1977**

**New South Wales**



ANNO VICESIMO SEXTO

**ELIZABETHÆ II REGINÆ**

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**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.]

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*Dog (Amendment).*

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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. 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—

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

(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)

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*Dog (Amendment).*


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- (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.

Liability  
for death  
of person.

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 injury  
to animal.

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.

(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

- (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.

20c. (1) Notwithstanding anything in Part III of the Law Reform (Miscellaneous Provisions) Act, 1965, <sup>Contributory negligence.</sup> 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.

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