



New South Wales

Innkeepers Act 1968 No 24

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All the provisions displayed in this version of the legislation have commenced. For commencement and other details see the Historical notes.



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Innkeepers Act 1968 No 24

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.

1 Name of Act and commencement

- (1) This Act may be cited as the *Innkeepers Act 1968*.
- (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2 Repeal

The *Innkeepers' Liability Act 1902* is hereby repealed.

3 Definitions

- (1) In this Act:
inn means a common inn.
innkeeper means the keeper of an inn.
- (2) (Repealed)

4 Meaning of "guest"

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 or her 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 or she is entitled pursuant to that engagement to use that sleeping accommodation as a traveller—at the commencement of this Act, or
 - (ii) where the day on which he or she 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 or she ceases to be so entitled—at the expiration of that day, or
 - (ii) where the day on which he or she 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 Liability for damage to property

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 or her by law with respect to the loss thereof.

6 Exclusion of liability in certain cases

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 5 with respect to damage thereto, shall not be incurred by the innkeeper where:

- (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 the innkeeper's servant.

7 Limitation of liability in certain cases

- (1) Subject to this section and section 6, 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.

In this subsection *liability* means liability imposed by law and includes the like liability imposed by section 5.

- (2) Subsection (1) 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, 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 or her 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 (2), subsection (1) 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 the traveller or on his or her behalf expressly for safe custody with the innkeeper or the innkeeper's 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) the traveller, or some person on his or her behalf, was unable to deposit the property as provided by paragraph (a) 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 the innkeeper's servant.

8 Abolition of innkeeper's lien over certain property

Without prejudice to any other right he or she may have with respect thereto, an innkeeper, in his or her capacity as an innkeeper, shall not have any lien on property referred to in paragraph (a) of section 6.

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

Any person supplied with a meal or accommodation at an inn the premises whereof are not licensed under the *Liquor Act 2007*, who on demand of payment made by the innkeeper or by the innkeepers servant or agent fails or refuses to pay a reasonable sum therefor or by the person's 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 0.5 penalty unit; 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 (Repealed)

Schedule

(Section 7)

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 the innkeeper's 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.

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

Innkeepers Act 1968 No 24. Assented to 10.10.1968. Date of commencement, 1.12.1968, sec 1 (2) and GG No 144 of 22.11.1968, p 4655. This Act has been amended as follows:

- 1982** No 148 Liquor (Repeals and Savings) Act 1982. Assented to 21.12.1982.
Date of commencement of Schs 1 and 2, 1.7.1983, sec 2 (3) and GG No 74 of 20.5.1983, p 2181.
- 1987** No 209 Statute Law (Miscellaneous Provisions) Act (No 2) 1987. Assented to 9.12.1987.
- 1993** No 47 Statute Law (Penalties) Act 1993. Assented to 15.6.1993.
Date of commencement, assent, sec 2.
- 1995** No 16 Statute Law (Miscellaneous Provisions) Act 1995. Assented to 15.6.1995.
Date of commencement of the provisions of Sch 3 relating to the Innkeepers Act 1968, assent, sec 2.
- 2009** No 106 Statute Law (Miscellaneous Provisions) Act (No 2) 2009. Assented to 14.12.2009.
Date of commencement of Sch 5, 8.1.2010, sec 2 (2).

This Act has also been amended pursuant to an order under secs 8 (2) and 9 (3) of the *Reprints Act 1972* No 48 (formerly *Acts Reprinting Act 1972*). Order dated 27.2.1975, and published in GG No 40 of 28.2.1975, p 802, declaring that the *Innkeepers Act 1968* is an enactment to which sec 8 (2) and sec 9 (3) of the *Acts Reprinting Act 1972* apply.

Table of amendments

No reference is made to certain amendments made by the *Reprints Act 1972*, and Schedule 3 (amendments replacing gender-specific language) to the *Statute Law (Miscellaneous Provisions) Act 1995*.

Sec 3	Am 1987 No 209, Sch 44.
Sec 9	Am 1982 No 148, Sch 2; 1993 No 47, Sch 1; 2009 No 106, Sch 5.5.
Sec 10	Rep 1982 No 148, Sch 1.