

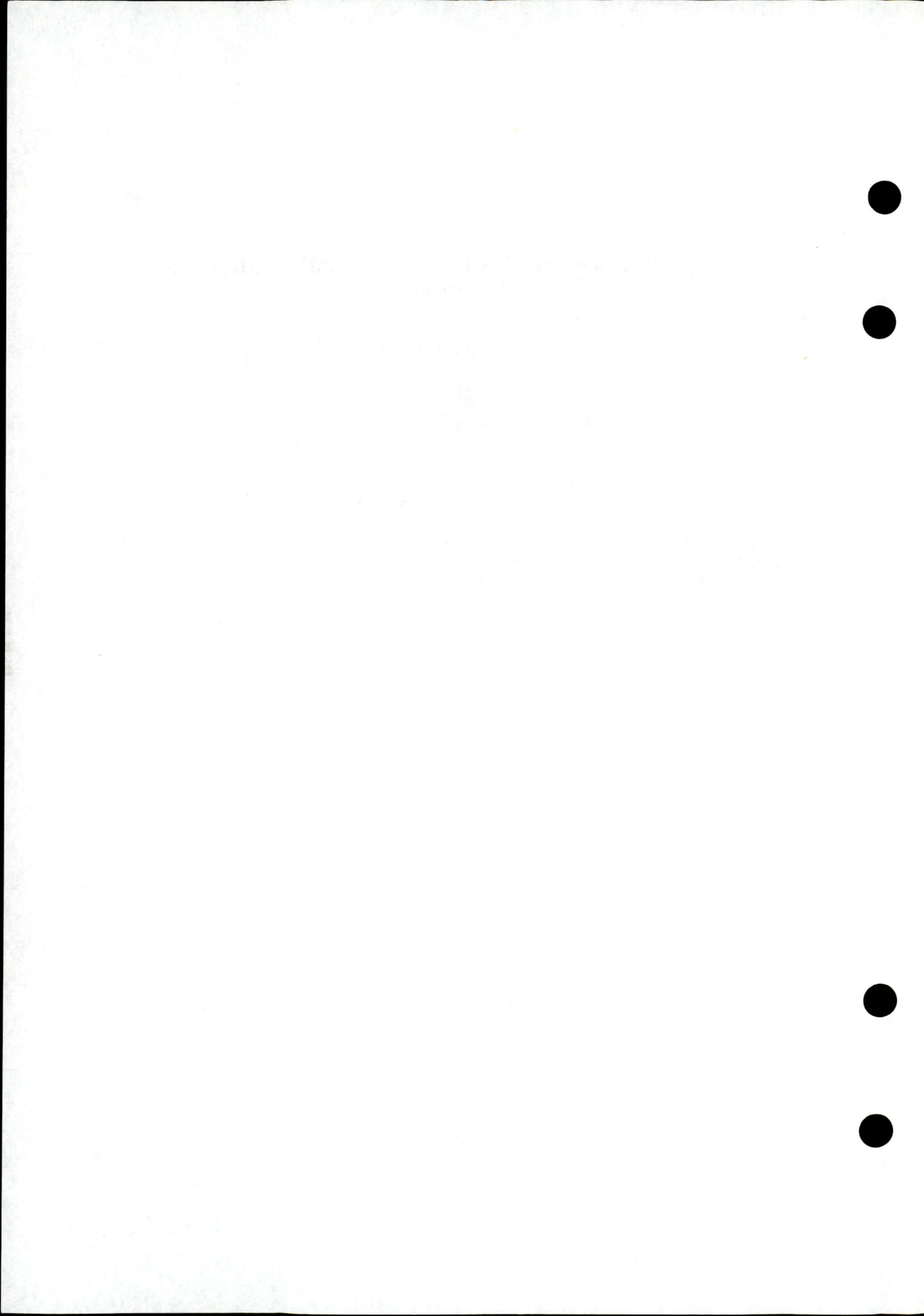
**LAW REFORM (VICARIOUS LIABILITY) AMENDMENT ACT  
1989 No. 188**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
  2. Commencement
  3. Amendment of Law Reform (Vicarious Liability) Act 1983 No. 38, s. 10
-



**LAW REFORM (VICARIOUS LIABILITY) AMENDMENT ACT  
1989 No. 188**

NEW SOUTH WALES



**Act No. 188, 1989**

An Act to amend the Law Reform (Vicarious Liability) Act 1983 in relation to the vicarious liability of the Crown and other employers in connection with statutory exemptions from personal liability.  
[Assented to 19 December 1989]

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See also Employee's Liability (Indemnification of Employer) Amendment Act 1989.

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Law Reform (Vicarious Liability) Amendment Act 1989.

**Commencement**

2. This Act commences on the date of assent.

**Amendment of Law Reform (Vicarious Liability) Act 1983 No. 38, s. 10**

3. The Law Reform (Vicarious Liability) Act 1983 is amended by omitting section 10 and by inserting instead the following section:

**Effect of statutory exemptions**

10. (1) In this section:

"person" includes the Crown;

"statutory exemption" means a provision made by or under an Act which excludes or limits the liability of a person.

(2) For the purposes of determining whether or not a person is vicariously liable in respect of a tort committed by another person, any statutory exemption conferred on that other person is to be disregarded.

(3) Except as provided by this section, nothing in this Act affects a statutory exemption conferred on a person.

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[*Minister's second reading speech made in -  
Legislative Assembly on 12 October 1989  
Legislative Council on 21 November 1989*]

FIRST PRINT

**LAW REFORM (VICARIOUS LIABILITY) AMENDMENT BILL  
1989**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The Employee's Liability (Indemnification of Employer) Amendment Bill 1989 is cognate with this Bill.

The object of this Bill is to amend the Law Reform (Vicarious Liability) Act 1983 to make it clear that, where an Act provides a statutory exemption from liability for a statutory officer or other person, the Crown or other employer may not rely on that exemption to avoid any vicarious liability for the action of that officer or other person.

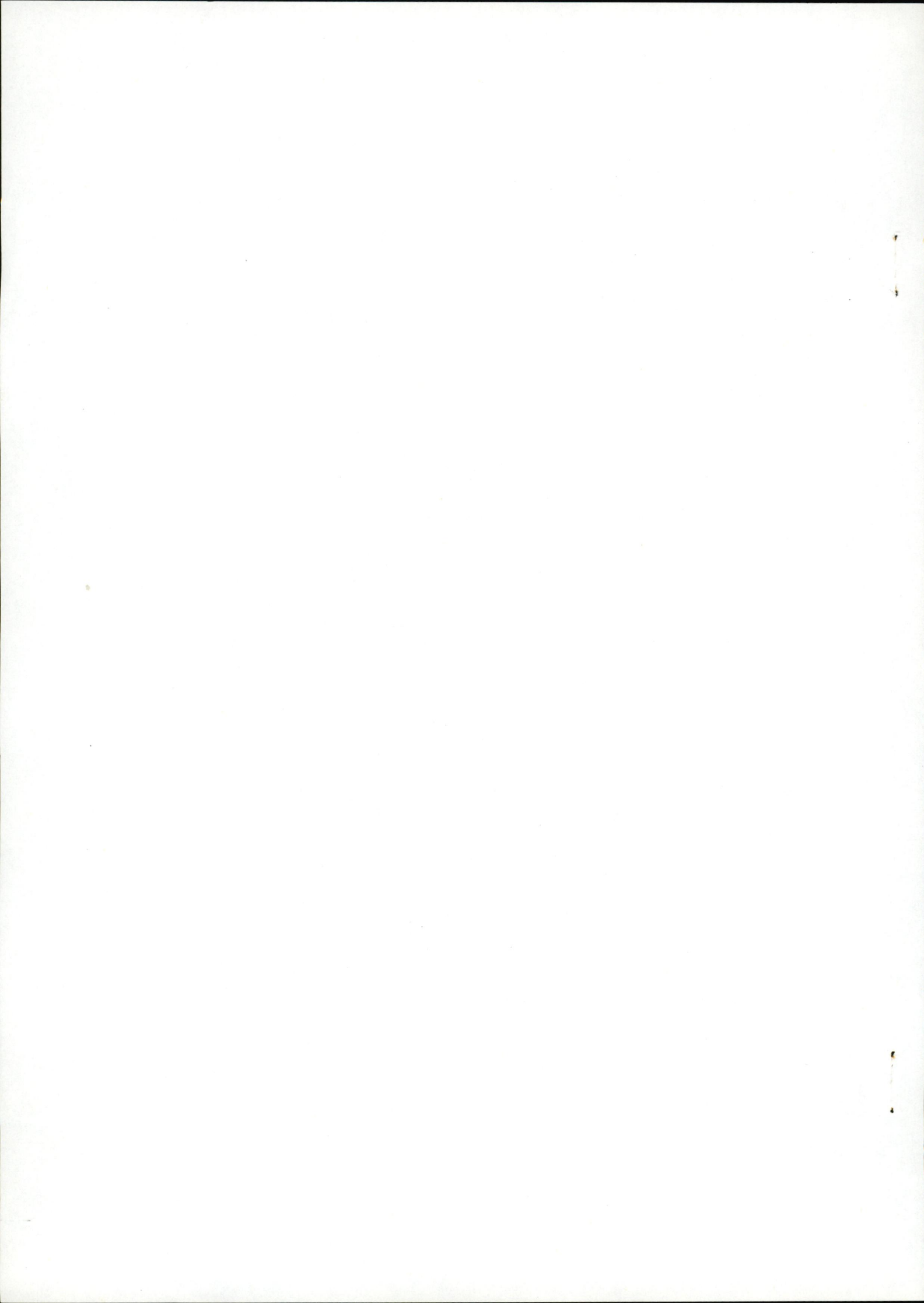
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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act commences on the date of assent.

**Clause 3** makes the amendment referred to above.

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FIRST PRINT

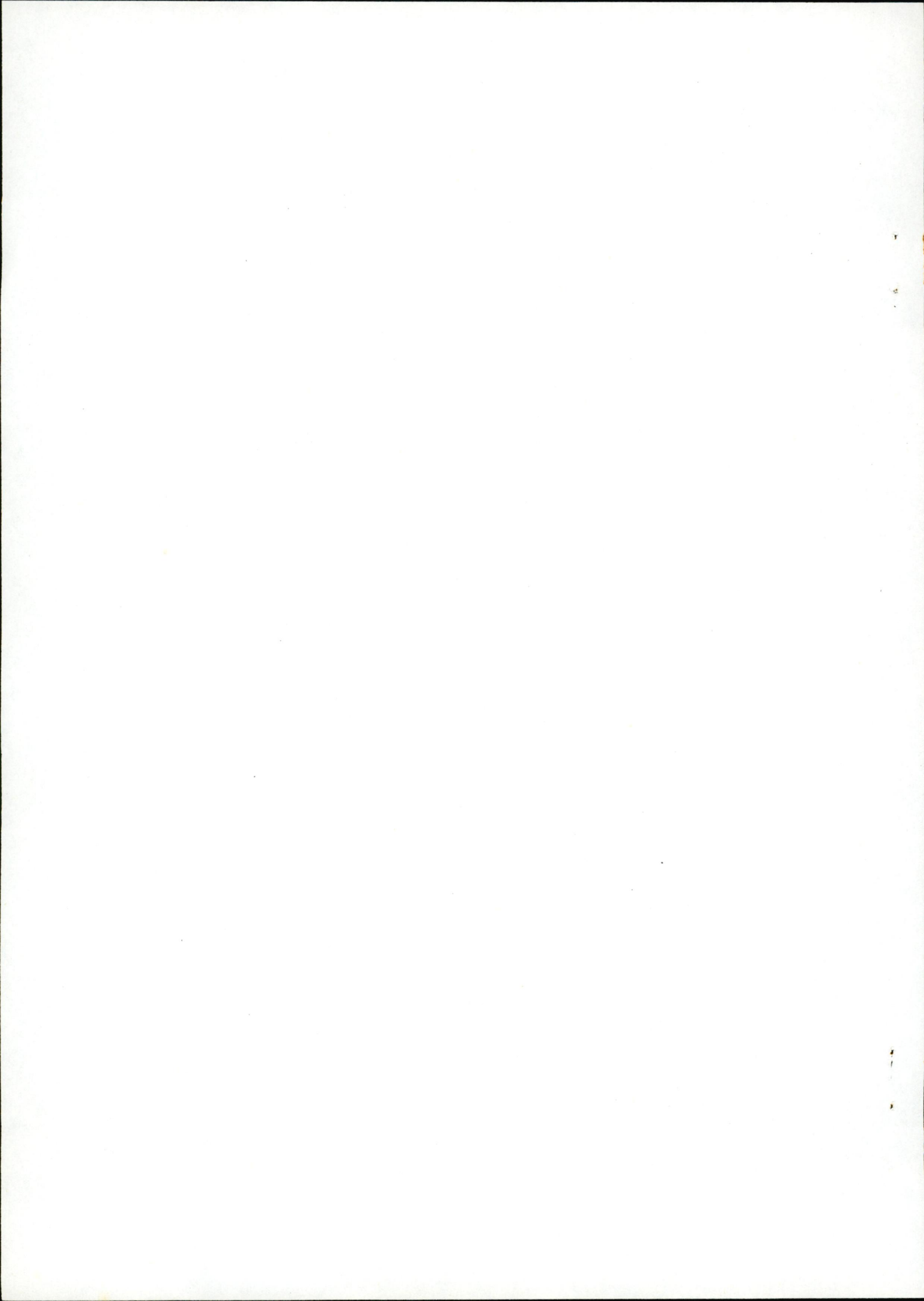
**LAW REFORM (VICARIOUS LIABILITY) AMENDMENT BILL  
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**LAW REFORM (VICARIOUS LIABILITY) AMENDMENT BILL  
1989**

NEW SOUTH WALES



No. , 1989

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**A BILL FOR**

An Act to amend the Law Reform (Vicarious Liability) Act 1983 in relation to the vicarious liability of the Crown and other employers in connection with statutory exemptions from personal liability.

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See also Employee's Liability (Indemnification of Employer) Amendment Bill 1989.

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Law Reform (Vicarious Liability) Amendment Act 1989.

**Commencement**

2. This Act commences on the date of assent.

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(3) Except as provided by this section, nothing in this Act affects a statutory exemption conferred on a person.