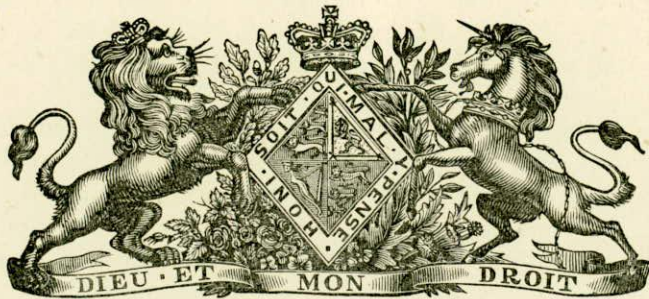


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,  
Sydney, 29 September, 1891, A.M. }

F. W. WEBB,  
Clerk of Legislative Assembly.

## New South Wales.



ANNO QUINQUAGESIMO SEXTO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act to amend the "Employers' Liability Act of 1886."

(As amended and agreed to in Select Committee.)

WHEREAS it is desirable to extend to seamen the protection Preamble.  
afforded by the "Employers' Liability Act of 1886" to  
workmen: Be it therefore enacted by the Queen's Most Excellent  
Majesty, by and with the advice and consent of the Legislative  
5 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 "Employers' Liability Act Short title and  
Amendment Act, 1891," and shall be read with and construed to form construction.  
part of the "Employers' Liability Act of 1886," hereinafter called the  
10 Principal Act.

2. In this Act—

The term "ship" includes every vessel of whatever kind registered Interpretation.  
in the Colony, whether propelled by steam, sails, oars, or  
otherwise.

15 The term "seamen" includes every person employed upon a ship,  
~~whether at sea or in port~~ who has signed articles of engage-  
ment.

345—

3.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

*Employers' Liability Act Amendment.*

3. When within the jurisdiction of ~~New South Wales, the Colony~~ Protection of Principal Act extended to seamen.  
 a ship is moored or at anchor receiving or discharging cargo or coals  
 and a personal injury is caused to a seaman—

- 5 (I) By reason of any defect or unfitness in the condition of the spars, tackle, machinery, gearing, fittings, or other apparel or furniture of the ship, or by reason of the absence of any necessary spars, tackle, machinery, gearing, fittings, or other apparel or furniture of such ship; or
- 10 (II) By reason of the negligence of any person in the service of the employer who has any superintendence intrusted to him, by such employer whilst in the exercise of such superintendence; or
- 15 (III) By reason of the negligence of any person in the service of the employer of the seamen to whose orders or directions the seaman was at the time of the injury bound to conform and did conform: If such injury resulted from his having so conformed,

the seaman (or, in case the injury results in death, the legal personal representative of the seaman and any persons entitled in case of death)  
 20 shall have the same right of compensation and remedies against the employer for any such personal injury as a workman or his legal representative ~~or such other persons~~ would, under the provisions of the Principal Act, have in like cases against his employer: **Provided nevertheless that in the event of a personal injury to a seaman any**  
 25 **compensation shall be recovered under this Act by such seaman against an employer there shall be deducted from such compensation any expenses which the said employer may have had to pay for such accident under the provisions of the Act twenty-seventh Victoria number thirteen.**

30 4. A seaman shall not be entitled under this Act to any right of compensation or remedy against the employer in any case under subsection one of section three of this Act, unless the defect therein mentioned arose from, or had not been discovered or remedied, owing to the negligence of the employer or of some person in the service of  
 35 the employer, and intrusted by him with the duty of seeing that the spars, tackle, machinery, gearing, fittings, or other apparel or furniture of the ship were in proper condition, or that the absence of any necessary spars, tackle, machinery, gearing, fittings, or other apparel or furniture was due to the negligence of the employer or of some  
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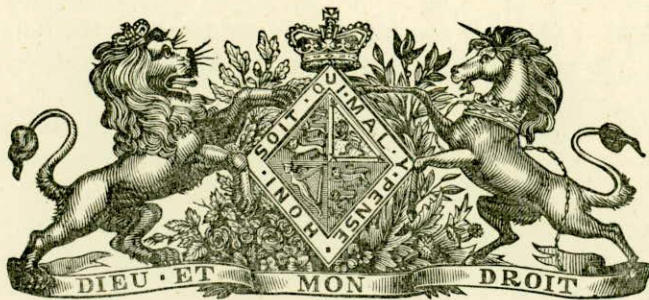
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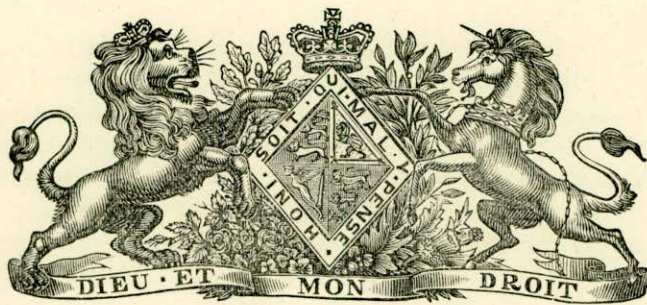
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*Employers' Liability Act Amendment.*

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Protection of  
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4. A seaman shall not be entitled under this Act to any right of compensation or remedy against the employer in any case under subsection one of section three of this Act, unless the defect therein mentioned arose from, or had not been discovered or remedied, owing to the negligence of the employer or of some person in the service of the employer, and intrusted by him with the duty of seeing that the spars, tackle, machinery, gearing, fittings, or other apparel or furniture of the ship were in proper condition, or that the absence of any necessary spars, tackle, machinery, gearing, fittings, or other apparel or furniture was due to the negligence of the employer or of some person in the service of the employer, and intrusted by him with the duty of seeing that the same was duly provided: Provided always that proof of absence of negligence shall be on the defendant.

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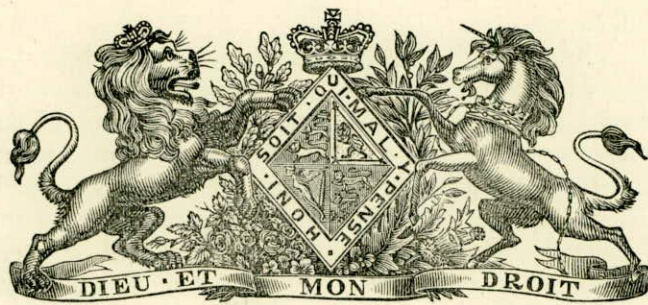
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*Employers' Liability Act Amendment.*

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