

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.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 9th February, 1893. }*

ADOLPHUS P. CLAPIN,
Acting Clerk of the Parliaments.

EMPLOYERS' LIABILITY ACT AMENDMENT BILL.

SCHEDULE of the Amendments referred to in Message of 9th February, 1893.

- Page 1, clause 1, line 8. *Omit "1891" insert "1892"*
Page 1, clause 2, line 14. *Omit "includes" insert "means"*
Page 1, clause 2, line 15. *Omit "whether at sea or in port" insert "owned in the
"Colony or who has signed articles of engagement in the Colony"*
Page 2, clause 3, line 1. *Omit "New South Wales" insert "the Colony a ship is
"moored or at anchor receiving or discharging cargo or coals and"*
Page 2, clause 3, line 4. *Omit "or unfitness"*
Page 2, clause 3, line 7. *After "necessary" insert "and usual"*
Page 2, clause 3, line 8. *After "furniture" insert "of such ship"*
Page 2, clause 3, line 11. *Before "whilst" insert "by such employer"*
Page 2, clause 3, line 21. *After "employer" insert "for any such personal injury"*
Page 2, clause 3, line 22. *Omit "or such other persons"*
Page 2, clause 3. *At end of clause add "provided nevertheless that in the event of
"a personal injury to a seaman any 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"*
Page 2, clause 4, line 38. *Before "spars" insert "and usual"*
Page 2, clause 4, line 41. *After "provided" omit remainder of clause.*

c 71—

2. IN THIS ACT

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

The term "seamen" includes means every person employed upon a ship whether at sea or in port owned in the Colony or who has signed articles of engagement in the Colony.

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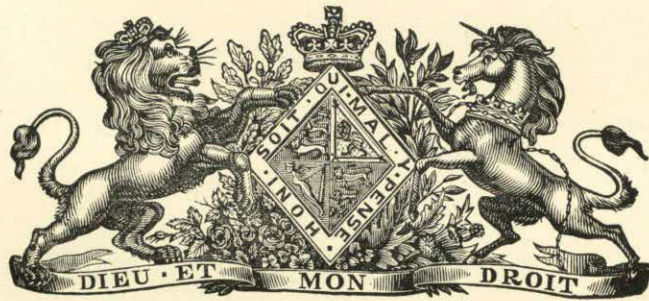
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New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

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

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 1892," and shall be read with and construed to construction.
form part of the "Employers' Liability Act of 1886," hereinafter
10 called the Principal Act.

2. In this Act—

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

15 The term "seamen" ~~includes~~ **means** every person employed upon
a ship ~~whether at sea or in port~~ **owned in the Colony or who**
has signed articles of engagement in the Colony.

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Employers' Liability Act Amendment.

3. When within the jurisdiction of ~~New South Wales, the Colony~~ **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 **and usual** 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 superin-
tendence; 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**
25 nevertheless that in the event of a personal injury to a seaman any
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
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or furniture was due to the negligence of the employer or of some
40 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.~~

5. For the purposes of this Act, the word "workman," when- Workmen to include
seamen.
ever used in the Principal Act, shall mean and include a seaman.

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15 The term "seamen" ~~includes~~ means every person employed upon a ship ~~whether at sea or in port~~ owned in the Colony or who has signed articles of engagement in the Colony.

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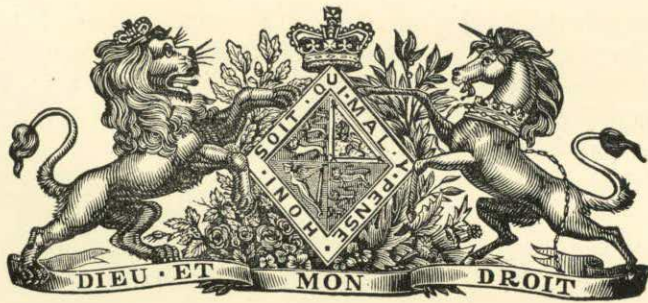
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WHEREAS it is desirable to extend to seamen the protection Preamble.
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workmen: Be it therefore enacted by the Queen's Most Excellent
Majesty, by and with the advice and consent of the Legislative
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 **1892**," and shall be read with and construed to construction.
form part of the "Employers' Liability Act of 1886," hereinafter
10 called the Principal Act.

2. In this Act—
The term "ship" includes every vessel of whatever kind whether Interpretation.
propelled by steam, sails, oars, or otherwise.
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3. When within the jurisdiction of ~~New South Wales~~, **the Colony** Protection of
Principal Act
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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
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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 superin-
tendence; 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
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conformed,

20 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)
shall have the same right of compensation and remedies against the
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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
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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
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5. For the purposes of this Act, the word "workman," when- Workmen to include
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