

EMPLOYERS'
LIABILITY ACT
AMENDMENT.
—

Preamble

Short title and
construction.

Interpretation.

Protection of
Principal Act
extended to seamen.

An Act to amend the “Employers’ Liability Act of 1886.” [24th March, 1893.]

WHEREAS it is desirable to extend to seamen the protection 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 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 Amendment Act, 1893,” and shall be read with and construed to form part of the “Employers’ Liability Act of 1886,” hereinafter 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.

The term “seamen” means every person employed upon a ship owned in the Colony or who has signed articles of engagement in the Colony.

3. When within the jurisdiction of the Colony a ship is moored or at anchor receiving or discharging cargo or coals and a personal injury is caused to a seaman—

(i) By reason of any defect 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 (ii)

Borough of Erskineville Naming.

- (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
- (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) shall have the same right of compensation and remedies against the employer for any such personal injury as a workman or his legal representative 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 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.

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 and usual 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.

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

Workmen to include
seamen.