

**EMPLOYEE'S LIABILITY (INDEMNIFICATION OF
EMPLOYER) ACT 1982, No. 3**

New South Wales



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ELIZABETHÆ II REGINÆ

Act No. 3, 1982.

An Act with respect to the liability of an employee to indemnify his employer
in respect of certain actions in tort against the employer. [Assented to,
29th March, 1982.]

Employee's Liability (Indemnification of Employer).

BE it 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:—

Short title.

1. This Act may be cited as the "Employee's Liability (Indemnification of Employer) Act, 1982".

Partial abrogation of right to indemnity.

2. (1) In this section—

"damage" includes loss of life and personal injury;

"fault", in relation to an employee, means negligence, or other act or omission, of the employee (not being negligence, or other act or omission, that is serious and wilful misconduct) as a result of which his employer is, as employer and not otherwise, liable in damages in tort.

(2) This section has effect notwithstanding any other Act, any law or the provisions of any express or implied contract or agreement entered into before or after the commencement of this Act.

(3) Where—

(a) a person suffers damage as a result of the fault of an employee;
and

Employee's Liability (Indemnification of Employer).

- (b) but for this Act, the employee would be liable to indemnify the employer against whom proceedings for damages may be taken as a result of the fault against any liability of the employer arising out of those proceedings,

the employee is not so liable, whether the cause of action against the employer arose before, or arises after, the commencement of this Act.
