

LAW REFORM (COMMON EMPLOYMENT.)

15° and 16° Geo. VI., No. XXIX.

No. 29 of 1951.

**AN ACT to Abolish the Common Law Doctrine
of Common Employment.**

[Assented to 19th December, 1951.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Law Reform (Common Employment) Act, 1951.*

Repeal of
Act 58 Vict.
No. 3.

2. The Employers' Liability Act, 1894 (58 Victoria No. 3) is hereby repealed.

Common
Law doctrine
of common
employment
abrogated.

3. (1) It shall not be a defence to an employer who is sued in respect of any injury or damage caused by the wrongful act, neglect, or default of a person employed by him, that that person was at the time the injury or damage was caused in common employment with the person suffering that injury or damage.

(2) Any provision contained in a contract of service or apprenticeship, or in an agreement collateral thereto (including a contract or agreement entered into before the commencement of this Act), shall be void in so far as it would have the effect of excluding or limiting any liability of the employer in respect of personal injuries caused to the person employed or apprenticed by the wrongful act, neglect, or default of any persons in common employment with him.

(3) This Act shall bind the Crown and instrumentalities of the Crown.

4. This Act shall apply to all causes of action accruing after its commencement.

Application
of this Act.