



Western Australia

# **Law Reform (Common Employment) Act 1951**

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## Law Reform (Common Employment) Act 1951

### Contents

1.	Short title	1
2.	Repeal of Act 58 Vict. No. 3	1
3.	Common law doctrine of common employment abrogated and contracting out prevented	1
4.	Application of this Act	2
	<b>Notes</b>	
	Compilation table	3



## **Law Reform (Common Employment) Act 1951**

**An Act to abolish the common law doctrine of common employment.**

**1. Short title**

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

**2. Repeal of Act 58 Vict. No. 3**

The *Employers' Liability Act 1894* (58 Victoriae No. 3) is hereby repealed.

**3. Common law doctrine of common employment abrogated and contracting out prevented**

- (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. Application of this Act**

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

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## Notes

This is a compilation of the *Law Reform (Common Employment) Act 1951* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Law Reform (Common Employment) Act 1951</i>	29 of 1951 (15 and 16 Geo. IV No. 29 )	19 Dec 1951	19 Dec 1951
<b>Reprint of the <i>Law Reform (Common Employment) Act 1951</i> as at 10 May 2002</b>			
<b>Reprint 2: The <i>Law Reform (Common Employment) Act 1951</i> as at 20 Mar 2015</b>			