



## NORTHERN TERRITORY OF AUSTRALIA

No. 16 of 1984

### AN ACT

To amend the *Law Reform (Miscellaneous Provisions) Act*

[Assented to 12 July 1984]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Law Reform (Miscellaneous Provisions) Amendment Act 1984*.

2. NEW SECTION

The *Law Reform (Miscellaneous Provisions) Act* is amended by inserting in Part VI after section 22 the following:

"22A. RIGHTS IN CASES OF VICARIOUS LIABILITY

"(1) Notwithstanding any other law in force in the Territory, or the provisions, express or implied, of a contract or agreement, where an employee commits a tort for which his employer is vicariously liable -

- (a) the employee shall not be liable to indemnify the employer in relation to the vicarious liability incurred by the employer; and
- (b) unless the employee is otherwise entitled to indemnity in relation to his liability, the employer shall be liable to indemnify the employee in relation to the liability incurred by the employee,

arising from the commission of the tort.

*Law Reform (Miscellaneous Provisions) Amendment*

"(2) Where an employer is proceeded against for the tort of his employee, and the employee is entitled in pursuance of a policy of insurance or contract of indemnity to be indemnified in relation to a liability that he may incur in relation to the tort, the employer shall be subrogated to the rights of the employee under the policy or contract in relation to the liability incurred by the employer, arising from the commission of the tort.

"(3) Where a person commits serious and wilful, or gross, misconduct in the course of his employment and the misconduct constitutes a tort, sub-section (1) shall not apply in relation to the tort."

3. TRANSITIONAL

The *Law Reform (Miscellaneous Provisions) Act* as amended by this Act applies to all torts whether committed before or after the commencement of this Act but nothing in this Act requires an employer to repay an amount of money to his employee or former employee which was paid before, in relation to a tort committed before, the commencement of this Act.

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