



Australian Capital Territory

# Racing (Jockeys Accident Insurance) Amendment Act 2006

**A2006-7**

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An Act to amend the *Racing Act 1999*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

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J2005-1133

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**1 Name of Act**

This Act is the *Racing (Jockeys Accident Insurance) Amendment Act 2006*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Legislation amended**

This Act amends the *Racing Act 1999*.

**4 New part 5A**

*insert*

**Part 5A Jockeys accident insurance**

**61A Definitions—pt 5A**

In this part:

*1987 NSW Act* means the *Workers Compensation Act 1987* (NSW).

*1998 NSW Act* means the *Workplace Injury Management and Workers Compensation Act 1998* (NSW).

*ACT jockey* means a jockey, apprentice jockey or other person who is—

- (a) licensed by Racing NSW as an approved rider; and
- (b) engaged—
  - (i) to ride a horse for fee or reward at a meeting for horse racing conducted or held by the racing club; or

- (ii) in riding work in connection with horse racing (but not harness racing) on the racecourse or other premises of the racing club.

***applied NSW Acts*** means the NSW Acts applied under section 61B.

***injury*** has the same meaning as in the applied NSW Acts.

***NSW Acts*** means the 1987 NSW Act and the 1998 NSW Act, including the special insurance scheme for NSW jockeys under those Acts.

*Note* A reference to a law (including a law of another jurisdiction) includes a reference to—

- the law as originally made and as amended (see Legislation Act, s 102); and
- the statutory instruments made or in force under the law (see Legislation Act, s 104).

***NSW jockey*** means a jockey, apprentice jockey or other person who is—

- (a) licensed by Racing NSW as an approved rider; and
- (b) taken to be a worker under the NSW Acts because of the 1998 NSW Act, schedule 1, clause 9 (1) (a) or (c).

*Note* The 1998 NSW Act, schedule 1, clause 9 (1) (a) and (c) applies respectively to a person who is—

- engaged to ride a horse for fee or reward at a meeting for horse racing conducted or held by a racing club or association; or
- engaged in riding work in connection with horse racing (but not harness racing) on the racecourse or other premises of a racing club or association.

***Racing NSW***—see the *Thoroughbred Racing Act 1996* (NSW), section 3 (Definitions).

***special insurance scheme***, for NSW jockeys, means the scheme under which Racing NSW provides accident insurance as a specialised insurer for NSW jockeys under the NSW Acts.

**61B Accident insurance arrangements—authorisation**

- (1) This section applies if Racing NSW is a specialised insurer under the NSW Acts in relation to NSW jockeys.
- (2) Racing NSW is authorised to provide accident insurance in relation to ACT jockeys.
- (3) The authorisation under subsection (2) is for Racing NSW to act as a specialised insurer in the ACT—
  - (a) in the same way that it acts as a specialised insurer in NSW under the NSW Acts in relation to NSW jockeys; and
  - (b) as if the racing club were a racing club under those Acts.
- (4) Without limiting subsections (2) and (3), the NSW Acts apply in the ACT for those subsections, with any necessary change and any change prescribed by regulation.
- (5) In particular, a regulation made for subsection (4) may include changes for either or both of the following:
  - (a) excluding a provision of the applied NSW Acts;
  - (b) applying a territory law in relation to the operation of the applied NSW Acts, including by giving jurisdiction or functions to territory courts or entities.

**61C Accident insurance arrangements—operation**

- (1) To remove any doubt—
  - (a) under the applied NSW Acts—
    - (i) an ACT jockey has the same rights and obligations (including rights and obligations in relation to common law damages) in relation to an injury suffered as an ACT jockey that a NSW jockey would have under the NSW Acts in relation to an injury suffered as a NSW jockey; and

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- (ii) the racing club and Racing NSW have the same rights and obligations (including rights and obligations in relation to common law damages) in relation to an injury suffered as an ACT jockey that they would have under the NSW Acts in relation to an injury suffered as a NSW jockey; and
  - (b) the applied NSW Acts do not create any right (whether substantive or procedural) in relation to an injury suffered as an ACT jockey that a NSW jockey would not have under the NSW Acts in relation to an injury suffered as a NSW jockey; and
  - (c) except as provided in paragraph (1) (a) (i), an ACT jockey is not entitled to recover damages for an injury suffered as an ACT jockey; and
  - (d) the *Limitation Act 1985* does not apply to any claim for compensation or damages by an ACT jockey that is governed by the applied NSW Acts.
- (2) Subsection (1) (a) and (b) has effect subject to any regulation made for this part, including a regulation made for—
- (a) excluding a provision of the applied NSW Acts; or
  - (b) applying a territory law in relation to the operation of the applied NSW Acts, including by giving jurisdiction or functions to territory courts or entities.

#### **61D Notices relating to accident insurance arrangements**

- (1) The Minister must prepare a notice if—
- (a) Racing NSW becomes a specialised insurer in relation to ACT jockeys because of the grant of a licence under the 1987 NSW Act; or
  - (b) a licence mentioned in paragraph (a)—

- (i) is suspended or cancelled; or
  - (ii) expires.
- (2) The notice must state the following:
  - (a) for the grant of a licence—its duration;
  - (b) for the suspension of a licence—the period of suspension;
  - (c) for the cancellation or expiry of a licence—when the cancellation or expiry happened.
- (3) A notice under this section is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

**61E Application—pt 5A**

- (1) This part applies only in relation to an injury happening on or after the day this part commences.
- (2) This section expires 3 years after the day it commences.
- (3) This section is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 16 February 2006.

**2 Notification**

Notified under the Legislation Act on 16 March 2006.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Racing (Jockeys Accident Insurance) Amendment Bill 2006, which was passed by the Legislative Assembly on 9 March 2006.

Clerk of the Legislative Assembly

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