

1995

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

WORKERS' COMPENSATION (AMENDMENT) BILL (No.3) 1995

EXPLANATORY MEMORANDUM

Circulated by Authority of the Minister for Business, Employment and Tourism

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WORKERS' COMPENSATION (AMENDMENT) BILL (No.3) 1995

The Workers' Compensation (Amendment) Bill (No.3) 1995 amends the *Workers' Compensation Act 1951* (the Act) to remove the requirement for employers to take out workers' compensation insurance to cover the professional sporting activities of sportspersons they employ and to remove the entitlement of those sportspersons to workers' compensation for injuries resulting from the engagement in professional sporting activity.

The Bill does not have retrospective operation and preserves the entitlement to compensation for sportspersons injured prior to its commencement.

The Bill defines "professional sporting activity" to cover the sportsperson's sporting activity, training for the activity, and travel to and from the activity, training activity, or preparation.

The Bill does not exempt employment which is ancillary to the sporting activity such as promotional work. Employers will still be required to cover the sportsperson for those ancillary activities not falling within the definition of "professional sporting activity".

The Bill does not affect the existing requirements for people such as jockeys, horse trainers, boxers, and wrestlers to be covered for workers' compensation insurance. Specific existing provisions deem those persons to be "workers" for the purposes of the Act and those provisions are unchanged.

Details of the Bill are as follows.

Clause 1 and 2 and 3 are formal. They contain the short title, the commencement date and a short reference to the Principal Act.

Clause 4 provides that the Bill applies only to professional sporting activities undertaken after the commencement date. This preserves any entitlement to workers' compensation for injuries to professional sportspersons which arose prior to the commencement date.

Clause 5 inserts into the Act a definition of "professional sporting activity" defining those words to mean participation for fee or reward as a contestant in sport or athletics; training or preparation for the activity, or travel to or from the activity or the training or preparation for the activity.

Clause 6 inserts a new provision which disentitles a person from receiving workers' compensation for injuries sustained during professional sporting activities.

Clause 7 exempts an employer from paying a premium for workers' compensation insurance in respect of that part of the employee's activities which are attributable to a professional sporting activity. This provision recognises that an employee of a sporting organisation may be employed both as a participant in sporting activity and in an ancillary activity less directly related to the sport.