

AUSTRALIAN CAPITAL TERRITORY

WORKMEN'S COMPENSATION (AMENDMENT) ORDINANCE 1981

No. 4 of 1981

EXPLANATORY STATEMENT

The Workmen's Compensation Ordinance 1951 provided that a person who, in accordance with the terms of a contract, participated in a sporting contest or engaged in training or preparation with a view to participating as a contestant, referee or umpire was not deemed to be a workman unless he received in excess of a prescribed amount. That amount was fixed as the amount which was payable under the Workmen's Compensation Ordinance 1951 to a totally incapacitated workman as at August 1977 - that is, \$79.80 a week in the case of a workman with no dependants.

Paragraph (a) of section 3 of the Workmen's Compensation (Amendment) Ordinance 1981 amends the Principal Ordinance to insert a new sub-section 6(4A) which provides that a person who, in accordance with the terms of a contract, participates, engages in training or undertakes a journey with a view to participating as a contestant in a sporting contest, shall not be deemed to be a workman unless the amount payable under his contract exceeds \$15,000 per annum or constitutes the sole income of the person for the year.

The new sub-section 6(4AA) which is also inserted by paragraph (a) of section 3 of the amending Ordinance provides that all referees or umpires who are engaged for a fee or reward are deemed to be workmen employed by the person conducting the contest. As a consequence, reference to 'referee' in sub-section 6(4D) of the Principal Ordinance is redundant and, accordingly, is deleted by paragraph (b) of section 3 of the amending Ordinance. Further, paragraph (c) of section 3 of the amending Ordinance inserts a reference to section 6(4AA) in section 6(4E) of the Principal Ordinance the effect of which is that the receipt of prizes by referees or umpires will not in itself constitute an engagement for fee or reward.

Paragraph (d) of section 3 of the amending Ordinance repeals sub-section 6(9) of the Principal Ordinance which provided that the provisions of that Ordinance which related to professional sportspersons would cease to have effect on a

date to be notified by the Minister in the Gazette. Repeal of sub-section 6(9) accordingly places the provisions relating to professional sportspersons, as amended by the amending Ordinance, on a permanent basis.

Finally paragraph (e) of section 3 of the amending Ordinance amends sub-section 6(10) of the Principal Ordinance by the insertion of a new definition of an 'applicable amount' and a new definition of 'contract'. The former provides for the calculation of the remuneration which will determine a sportsperson's eligibility for workmen's compensation on the basis of an aggregation of payments received for the year, rather than, as before, on a weekly basis. The latter deletes reference to 'referee or umpire' who are now covered by section 6(4AA).

The provisions which have been introduced apply only to injuries sustained after the introduction of the Workmen's Compensation (Amendment) Ordinance 1981.

The ACT House of Assembly has agreed to the Ordinance.

Ord. No. 70/80