

AUSTRALIAN CAPITAL TERRITORY

WORKMEN'S COMPENSATION (AMENDMENT) ORDINANCE 1978

EXPLANATORY MEMORANDUM

The New South Wales Supreme Court in a judgment which was handed down in February 1977 determined that a sportsman who competed in a sporting contest pursuant to a contract under which remuneration was payable was a 'worker' for the purposes of the New South Wales Worker's Compensation Act 1926. The effect of the decision was to entitle a person who was injured in a sporting contest in these circumstances to the payment of worker's compensation benefits, the payment of which or cost of insurance for which, is beyond the financial capacity of most sporting organisations. The definition of a 'workman' for the purposes of the Australian Capital Territory Workmen's Compensation Ordinance 1951 is similar to the N.S.W. definition and, prima facie, includes professional sportsmen.

The Workmen's Compensation (Amendment) Ordinance 1978 has the effect of removing from the definition of 'workman', and thereby from the provisions of the Ordinance, sportsmen, referees and umpires who participate in sporting contests and whose remuneration in that capacity does not exceed an amount which is ascertained by multiplying by 1.4 the amount of compensation which is payable under the Workmen's Compensation Ordinance to a totally incapacitated workman (currently \$79.78 for a worker without any dependants).

The legislation will operate to protect sporting organisations only until 31 December 1978. By that time legislation will be developed which will provide a permanent and equitable solution to the difficulties which the Court decision has raised.