



Australian Capital Territory

Racing (Jockeys Accident Insurance) Regulation 2006

Subordinate Law SL2006-10

The Australian Capital Territory Executive makes the following regulation under the *Racing Act 1999*.

Dated 30 March 2006.

JON STANHOPE
Minister

JOHN HARGREAVES
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Racing (Jockeys Accident Insurance) Regulation 2006*.

2 Commencement

This regulation 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 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘**1987 NSW Acts**—see the Act, section 61A.’ means that the term ‘1987 NSW Acts’ is defined in that section and the definition applies to this regulation.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Application of NSW Acts in relation to jockeys accident insurance—Act, s 61B (4)

- (1) For the Act, part 5A (Jockeys accident insurance), the following provisions of the 1987 NSW Act do not apply in the ACT:
 - (a) section 9A (No compensation payable unless employment substantial contributing factor to injury);
 - (b) part 3 (Compensation—benefits), division 9 (Commutation of compensation);
 - (c) part 4 (Compensation—claims and proceedings), division 6 (Uninsured liability and indemnity scheme);
 - (d) part 5 (Common law remedies), division 4 (Retrospective restoration of modified common law);
 - (e) part 7 (Insurance), other than section 159 (Provisions of policies of insurance) and section 160 (Recovery of excess from employer);
- (2) For the Act, part 5A (Jockeys accident insurance), the following provisions of the 1998 NSW Act do not apply in the ACT:
 - (a) chapter 2 (Administration), the following provisions:
 - (i) part 2 (Workcover Authority of New South Wales);
 - (ii) part 4 (Workers Compensation and Workplace Occupational Health and Safety Council of New South Wales);
 - (iii) part 5 (Industry Reference Groups);
 - (iv) part 6 (Financial provisions);
 - (b) chapter 4 (Workers compensation), part 2 (Compensation—claims and proceedings), the following provisions:
 - (i) division 1 (Notice of injury etc and claims for compensation);

- (ii) division 2 (Administration by insurers of claims for compensation or damages);
- (iii) division 3 (Conciliation of disputes by conciliator);
- (iv) division 4 (Special provisions with respect to weekly payments of compensation);
- (v) division 5 (Restrictions on commencing court proceedings);
- (vi) division 6 (Proceedings before Commission or the Compensation Court);
- (vii) division 7 (Medical examinations and disputes);
- (c) chapter 6 (Miscellaneous), section 234 (No contracting out);
- (d) chapter 7 (New claims procedures), the following provisions:
 - (i) part 3 (Dealing with claims), division 5 (Enforcement of claims obligations);
 - (ii) part 4 (Compensation dispute determination);
 - (iii) part 5 (Expedited assessment);
 - (iv) part 6 (Court proceedings for work injury damages);
 - (v) part 7 (Medical assessment), other than section 322 (Assessment of impairment) and section 323 (Deduction for previous injury or pre-existing condition or abnormality);
 - (vi) part 8 (Costs);
 - (vii) part 9 (Proceedings before Commission);
 - (viii) part 10 (Administration).

6 Application of Civil Law (Wrongs) Act in relation to common law claims—Act, s 61B (4) and (5)

For the operation of the applied NSW Acts in the ACT, the *Civil Law (Wrongs) Act 2002*, chapter 5 (Personal injuries claims—pre-court procedures) applies to a claim for common law damages in relation to an injury suffered by someone as an ACT jockey.

7 Jurisdiction of courts—Act, s 61B (4) and (5)

- (1) The Supreme Court has jurisdiction in relation to a proceeding under the applied NSW Acts for compensation in relation to an injury suffered by someone as an ACT jockey.
- (2) The Magistrates Court has jurisdiction in relation to a proceeding under the applied NSW Acts for compensation in relation to an injury suffered by someone as an ACT jockey as if the proceeding were a personal action at law under the *Magistrates Court Act 1930*, section 257 (Personal actions at law—amount or value).

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- Magistrates Court
- Supreme Court.

1987 NSW Act—see the Act, section 61A.

1998 NSW Act—see the Act, section 61A.

ACT jockey—see the Act, section 61A.

applied NSW Acts—see the Act, section 61A.

injury—see the Act, section 61A.

Endnotes

1 Notification

Notified under the Legislation Act on 30 March 2006.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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