

No. 15 of 1978

AN ORDINANCE

To amend the *Workmen's Compensation Ordinance 1951*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this first day of June 1978.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

R. ELLICOTT
Minister of State for the Capital Territory

WORKMEN'S COMPENSATION (AMENDMENT) ORDINANCE 1978

1. This Ordinance may be cited as the *Workmen's Compensation (Amendment) Ordinance 1978*.*

2. In this Ordinance, "Principal Ordinance" means the *Workmen's Compensation Ordinance 1951*.†

3. Section 6 of the Principal Ordinance is amended—

(a) by inserting after sub-section (4) the following sub-sections:

"(4A) Subject to sub-sections (4B), (4C) and (4D), a person who, in accordance with the terms of a contract—

(a) participates, or engages in training or preparation with a view to participating, as a contestant, referee or umpire in a sporting contest; or

(b) undertakes a journey in connexion with his participation, or in connexion with training or preparation

Interpretation

* Notified in the *Commonwealth of Australia Gazette* on 8 June 1978.
† Ordinance No. 2, 1951 as amended by No. 4, 1952; No. 12, 1954; No. 1, 1956; Nos. 12, 20 and 21, 1959; No. 8, 1961; No. 10, 1962; No. 6, 1965; No. 44, 1967; No. 19, 1968; Nos. 7, 13 and 18, 1969; No. 26, 1970; No. 15, 1971; Nos. 35 and 38, 1972; No. 11, 1973; No. 34, 1974; and No. 11, 1975.

being undertaken by him with a view to participating, as a contestant, referee or umpire in a sporting contest,

shall not, for the purposes of this Ordinance, be deemed to be a workman unless the applicable amount in relation to the person exceeds the prescribed amount for the person.

“(4B) A person engaged for fee or reward to ride or drive in a horse or pony race conducted by a racing club or association shall, for the purposes of this Ordinance, be deemed to be a workman employed by the club or association conducting the race.

“(4C) A person engaged for fee or reward as a rider or driver for the purpose of preparing a horse or pony for racing in a horse or pony race to be conducted by a racing club or association shall, for the purposes of this Ordinance, be deemed to be a workman employed by the trainer of the horse or pony.

“(4D) A person engaged for fee or reward to take part as a boxer, wrestler or referee in a boxing or wrestling contest shall, for the purposes of this Ordinance, be deemed to be a workman employed by the person conducting the contest.

“(4E) For the purposes of sub-section (4D), a person engaged to take part as a boxer, wrestler or referee in an amateur boxing or wrestling contest shall not, by reason only of the offering or awarding of a trophy or certificate as a prize in the contest, be taken to be engaged for fee or reward.”; and

(b) by adding at the end thereof the following sub-sections:

“(9) Sub-sections (4A), (4B), (4C), (4D), (4E) and (10) shall cease to have effect on 1 January 1979.

“(10) In this section—

‘applicable amount’, in relation to a person, means—

- (a) the amount which, under the contract pursuant to which the person is engaged to participate as a contestant, referee or umpire in sporting contests, the person is entitled to receive in respect of each contest in which he participates, other than a contest that is designated as a semi-final contest or as any kind of final contest; or

- (b) if the contract pursuant to which the person is engaged to participate as a contestant, referee or umpire in sporting contests provides for the payment to the person of one of 2 or more different amounts in respect of each contest in which he participates—the mean of the amounts payable to the person in respect of a contest in which he participates, other than a contest that is designated as a semi-final contest or as any kind of final contest;

‘contract’ means a contract under which a person is engaged to participate as a contestant, referee or umpire in sporting contests and is entitled to receive payment for each contest in which he participates;

‘prescribed amount’, in relation to a person, means such amount as is equal to the amount that is ascertained by multiplying by 1.4 the weekly amount which, if the person were a workman who had been totally incapacitated for work by an injury and his employer were liable to pay compensation under this Ordinance in respect of that injury, would be payable to the person in accordance with sub-paragraph 1 (b) of the First Schedule if, in calculating the amount so payable, clause 1 (b) (iii) of that Schedule were disregarded.”.

4. On and after 1 January 1979, the *Interpretation Ordinance 1967* has effect in relation to sub-sections 6 (4A), (4B), (4C), (4D), (4E) and (10) of the Principal Ordinance as amended by this Ordinance as if those sub-sections had been repealed on that day by an Ordinance. Expiry of certain provisions

5. The amendments made by this Ordinance do not apply in relation to an injury sustained before the date of commencement of this Ordinance and the Principal Ordinance applies in relation to such an injury as if this Ordinance had not been made. Application of amendments in respect of injuries