

Western Australia

**Workers' Compensation and Injury
Management Amendment (Jockeys) Act 2012**

As at 20 Nov 2012

No. 45 of 2012

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Workers' Compensation and Injury Management Amendment (Jockeys) Act 2012

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**Workers' Compensation and Injury
Management Amendment (Jockeys) Act 2012**

No. 45 of 2012

An Act to amend the *Workers' Compensation and Injury Management Act 1981*.

[Assented to 20 November 2012]

The Parliament of Western Australia enacts as follows:

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1. Short title

This is the *Workers' Compensation and Injury Management Amendment (Jockeys) Act 2012*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

3. Act amended

This Act amends the *Workers' Compensation and Injury Management Act 1981*.

4. Section 11A replaced

Delete section 11A and insert:

11A. Jockeys

- (1) In this section —

licensed facility means a place licensed as —

- (a) a racecourse; or
- (b) a training track; or
- (c) a trial track,

under the *Racing and Wagering Western Australia Act 2003*;

licensed jockey means a person licensed as a jockey under the *Racing and Wagering Western Australia Act 2003*;

licensed trainer means a person licensed as a trainer of thoroughbred racing horses under the *Racing and Wagering Western Australia Act 2003*;

registered club means a racing club registered under the *Racing and Wagering Western Australia Act 2003*;

relevant day means the day on which the *Workers' Compensation and Injury Management Amendment (Jockeys) Act 2012* section 4 comes into operation.

- (2) Notwithstanding section 11, for the purposes of this Act **worker** includes a licensed jockey who —
- (a) is riding a horse in any race run under the management of a registered club; or
 - (b) is engaged —
 - (i) in riding work; or
 - (ii) in carrying out the usual duties of a jockey,
at a licensed facility for a licensed trainer; or
 - (c) although not coming within paragraph (a) or (b), is engaged —
 - (i) in riding work; or
 - (ii) in carrying out the usual duties of a jockey,
for a licensed trainer.
- (3) For the purposes of this Act, the employer of a worker referred to in subsection (2) is taken to be —
- (a) in the case of a worker referred to in subsection (2)(a) or (b), Racing and Wagering Western Australia; and
 - (b) in the case of a worker referred to in subsection (2)(c) —
 - (i) with respect to injuries occurring before the relevant day, Racing and Wagering Western Australia; and

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- (ii) with respect to injuries occurring on or after the relevant day, the licensed trainer for whom the worker is engaged.

5. Section 159 amended

In section 159 in the definition of *deemed worker*:

- (a) in paragraph (b) delete “section 175AA(5)(a);” and insert:

section 175AA(5)(a); and

- (b) after paragraph (b) insert:

- (c) where the employer is Racing and Wagering Western Australia, a person of whom Racing and Wagering Western Australia would not be the employer but for section 11A(3);

6. Schedule 1 amended

After Schedule 1 clause 15 insert:

16A. Weekly earnings of jockeys

- (1) In this clause —

jockey means a person who is included as a worker by section 11A(2);

relevant Commonwealth award, with respect to an injury, means the award under the *Fair Work Act 2009* (Commonwealth) or another Commonwealth Act that, on the day the injury occurred, operated to prescribe the earnings of stable foremen.

- (2) With respect to injuries occurring before the day on which the *Workers' Compensation and Injury Management*

Amendment (Jockeys) Act 2012 section 4 comes into operation, the weekly earnings of a jockey are taken to be an amount equal to the weekly rate of wages, including special allowances, prescribed for stable foremen under the relevant Commonwealth award.

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