

WORKERS' COMPENSATION (No. 2).

No. 70 of 1977.

AN ACT to amend the Workers' Compensation Act,
1912-1976.

[Assented to 28th November, 1977.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Workers' Compensation Act Amendment Act (No. 2), 1977.*

Short title
and citation.

(2) In this Act the Workers' Compensation Act, 1912-1976 is referred to as the principal Act.

Reprinted as
approved for
reprint 26th
April, 1974,
as amended
by Acts Nos.
42 of 1975, 76
of 1975, and
111 of 1976.

(3) The principal Act as amended by this Act may be cited as the Workers' Compensation Act, 1912-1977.

Section 5
amended.

2. Subsection (1) of section 5 of the principal Act is amended—

- (a) as to the interpretation “Employer”, by deleting the passage “or (c)”, in line three of the second paragraph; and
- (b) as to the interpretation “Worker”, by deleting the passage “, road board,”, in—
 - (i) lines two and three of the fifth paragraph; and
 - (ii) the penultimate line of the fifth paragraph.

Sections 5A,
5B and 5C
added.

3. The principal Act is amended by adding immediately after section 5 the following new sections—

Exclusion of
certain
persons who
are contest-
ants in
sporting
or athletic
activities.

5A. Notwithstanding anything in section five of this Act, a person shall be deemed not to be a worker within the meaning of this Act while he is, pursuant to a contract—

- (a) participating as a contestant in any sporting or athletic activity;
- (b) engaged in training or preparing himself with a view to his so participating; or
- (c) engaged on any regular journey, daily or other periodic journey, or other journey in connection with his so participating or being so engaged,

if under that contract, he is not entitled to any remuneration other than remuneration for the doing of those things.

Compensa-
tion not
payable in
certain
cases.

5B. (1) A person is not entitled to claim or receive compensation under this Act, in respect of an injury to or the death of a person that occurred before the coming into operation of

section five A of this Act if, had that section been in force when the injury or death occurred, the person who was injured or died would not have been a worker within the meaning of this Act by reason only of the amendments made by that section.

(2) Subsection (1) of this section does not apply to or in relation to compensation in respect of which proceedings had been commenced in the Board before the fifth day of July, 1977.

5C. Nothing in sections five A or five B of this Act in any way affects or limits the operation of this Act apart from those sections in relation to an injury to or the death of a person if any person, at any time before the coming into operation of those sections, received compensation under this Act in respect of that injury or death, and this Act shall continue to apply to the liability for and the right to compensation in respect of that injury or death as if those sections were not in this Act. .

Continued
operation of
this Act
where com-
pensation
previously
paid.

4. Subsection (1a) of section 30 of the principal Act is amended by inserting immediately after the word "triennial", in line three of paragraph (e), the word "determination".

Section 30
amended.
