

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

D. L. WHEELER,
for Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 March, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1977.

An Act to exclude from the definition of "worker" in section 6 (1) of the Workers' Compensation Act, 1926, certain persons who are contestants in sporting or athletic activities.

BE

Workers' Compensation (Further Amendment).

5 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Workers' Compensation Short title. (Further Amendment) Act, 1977".

2. The Workers' Compensation Act, 1926, is amended—

Amendment
of Act No.
15, 1926.
Sec. 6.
(Defini-
tions.)

10 (a) by inserting after paragraph (f) of the definition of "Worker" in section 6 (1) the following paragraph:—

15 (g) except as provided in subsections (10) and (14c), any person while he is, during the period commencing on the date of assent to this Act and ending on 31st December, 1977—

(i) participating as a contestant in any sporting or athletic activity;

20 (ii) engaged in training or preparing himself with a view to his so participating; or

25 (iii) engaged on any daily or other periodic journey or other journey in connection with his so participating or his being so engaged,

30 if, under the contract pursuant to which he does any of the things referred to in subparagraph (i), (ii) or (iii), he is not entitled to any remuneration other than remuneration for the doing of those things.

(b)

Workers' Compensation (Further Amendment).

- (b) by inserting in section 6 (12) after the word "person" the words "(not being a person referred to in paragraph (g) of the definition of "worker" in subsection (1))";
- 5 (c) by omitting from the proviso to section 6 (14c) the word "performance." where lastly occurring and by inserting instead the following word and proviso :—
- performance :
- 10 Provided further that a person referred to in paragraph (g) of the definition of "worker" in subsection (1) shall be deemed not to be a person referred to in paragraph (b) or (c).
3. (1) A person is not entitled to claim or receive Compensation not payable in certain cases.
- 15 compensation under the Workers' Compensation Act, 1926, in respect of an injury to or the death of a person that occurred before the date of assent to this Act if, had section 2 been in force when the injury or death occurred, the person who was injured or who died would not have been a worker
- 20 within the meaning of that Act by reason only of the amendments made by that section.
- (2) Subsection (1) does not apply in respect of compensation—
- 25 (a) in respect of which proceedings had been commenced in the Workers' Compensation Commission of New South Wales before 22nd February, 1977; or
- (b) payable to a person deemed to be a worker by section 4.
- 30 4. Where, immediately before the date of assent to this Act, a policy of insurance or indemnity referred to in section 18 (1) of the Workers' Compensation Act, 1926, was in force in respect of a person referred to in paragraph (g) of the definition of "worker" in section 6 (1) of that Act, as Certain persons to continue temporarily to be workers.

amended

Workers' Compensation (Further Amendment).

amended by section 2, that person shall, notwithstanding the amendments made by section 2, be deemed, while he does any of the things referred to in subparagraph (i), (ii) or (iii) of that paragraph under a contract with the person to whom
5 that policy was issued, to be a worker within the meaning of that Act until that policy either ceases to be in force or would, but for its being cancelled at the request of the person to whom it was issued, cease to be in force, whichever is the later.

10 5. Nothing in this Act in any way affects or limits the operation of the Workers' Compensation Act, 1926, with respect to compensation in respect of an injury to or the death of a person if any person at any time before the date
15 of assent to this Act received compensation under that Act in respect of that injury or death.

Continued
operation
of Workers'
Compensa-
tion Act,
1926, where
compen-
sation
previously
paid.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977
[8c]

LC

Act No. 1977.

Workers' Compensation (Further Amendment)

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same as follows:—

No. , 1977.

A BILL

To exclude from the definition of "worker" in section 6 (1) of the Workers' Compensation Act, 1926, certain persons who are contestants in sporting or athletic activities.

[Mr F. J. WALKER—15 March, 1977.]

BE

Workers' Compensation (Further Amendment).

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

1. This Act may be cited as the "Workers' Compensation Short title. (Further Amendment) Act, 1977".

2. The Workers' Compensation Act, 1926, is amended—

10 (a) by inserting after paragraph (f) of the definition of "Worker" in section 6 (1) the following paragraph:—

Amendment
of Act No.
15, 1926.
Sec. 6.
(Defini-
tions.)

15 (g) except as provided in subsections (10) and (14c), any person while he is, during the period commencing on the date of assent to this Act and ending on 31st December, 1977—

(i) participating as a contestant in any sporting or athletic activity;

20 (ii) engaged in training or preparing himself with a view to his so participating; or

25 (iii) engaged on any daily or other periodic journey or other journey in connection with his so participating or his being so engaged,

30 if, under the contract pursuant to which he does any of the things referred to in subparagraph (i), (ii) or (iii), he is not entitled to any remuneration other than remuneration for the doing of those things.

(b)

Workers' Compensation (Further Amendment).

(b) by inserting in section 6 (12) after the word "person" the words "(not being a person referred to in paragraph (g) of the definition of "worker" in subsection (1))";

5 (c) by omitting from the proviso to section 6 (14c) the word "performance." where lastly occurring and by inserting instead the following word and proviso :—

performance :

10 Provided further that a person referred to in paragraph (g) of the definition of "worker" in subsection (1) shall be deemed not to be a person referred to in paragraph (b) or (c).

15 **3.** (1) A person is not entitled to claim or receive compensation under the Workers' Compensation Act, 1926, in respect of an injury to or the death of a person that occurred before the date of assent to this Act if, had section 2 been in force when the injury or death occurred, the person who was injured or who died would not have been a worker within the meaning of that Act by reason only of the amendments made by that section. Compensation not payable in certain cases.

(2) Subsection (1) does not apply in respect of compensation—

25 (a) in respect of which proceedings had been commenced in the Workers' Compensation Commission of New South Wales before 22nd February, 1977; or

(b) payable to a person deemed to be a worker by section 4.

30 **4.** Where, immediately before the date of assent to this Act, a policy of insurance or indemnity referred to in section 18 (1) of the Workers' Compensation Act, 1926, was in force in respect of a person referred to in paragraph (g) of the definition of "worker" in section 6 (1) of that Act, as Certain persons to continue temporarily to be workers.

amended

Workers' Compensation (Further Amendment).

amended by section 2, that person shall, notwithstanding the amendments made by section 2, be deemed, while he does any of the things referred to in subparagraph (i), (ii) or (iii) of that paragraph under a contract with the person to whom
5 that policy was issued, to be a worker within the meaning of that Act until that policy either ceases to be in force or would, but for its being cancelled at the request of the person to whom it was issued, cease to be in force, whichever is the later.

10 5. Nothing in this Act in any way affects or limits the operation of the Workers' Compensation Act, 1926, with respect to compensation in respect of an injury to or the death of a person if any person at any time before the date of assent to this Act received compensation under that Act
15 in respect of that injury or death.

Continued operation of Workers' Compensation Act, 1926, where compensation previously paid.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[8c]

**WORKERS' COMPENSATION (FURTHER AMENDMENT)
BILL, 1977**

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to exclude persons participating during the period commencing on the date of assent to the proposed Act and ending on 31st December, 1977, in a sporting or athletic activity on a professional basis (other than jockeys, boxers or wrestlers) from the definition of "worker" in section 6 (1) of the Workers' Compensation Act, 1926;
 - (b) subject to the provision referred to in paragraph (d), to preclude any person from claiming or receiving compensation under that Act in respect of an injury to or the death of a person referred to in paragraph (a) that occurred before the date of assent to the proposed Act unless—
 - (i) proceedings claiming that compensation had been commenced before 22nd February, 1977, the date on which the judgment of the Workers' Compensation Commission was delivered in a case relating to Paul Hedley Brown, in which it was held that a professional rugby league footballer was a worker within the meaning of the Workers' Compensation Act, 1926; or
 - (ii) the compensation is payable in respect of a person deemed to be a worker as referred to in paragraph (c);
 - (c) to deem any person referred to in paragraph (a) in respect of whom a workers' compensation policy is in force immediately before the date of assent to the proposed Act to be a worker until the policy ceases to be in force;
 - (d) to continue the operation of the Workers' Compensation Act, 1926, with respect to compensation in respect of an injury to or the death of a person referred to in paragraph (a) if any person had received compensation in respect of that injury or death before the date of assent to the proposed Act; and
 - (e) to make other provisions of a minor or consequential nature.
-

(c) The following information is to be furnished to the Commission:

(1) The name of the person or persons who have been appointed as the agent for the purpose of this Act, and the name of the person or persons who have been appointed as the agent for the purpose of this Act, and the name of the person or persons who have been appointed as the agent for the purpose of this Act.

(2) The name of the person or persons who have been appointed as the agent for the purpose of this Act, and the name of the person or persons who have been appointed as the agent for the purpose of this Act, and the name of the person or persons who have been appointed as the agent for the purpose of this Act.

(3) The name of the person or persons who have been appointed as the agent for the purpose of this Act, and the name of the person or persons who have been appointed as the agent for the purpose of this Act, and the name of the person or persons who have been appointed as the agent for the purpose of this Act.

(4) The name of the person or persons who have been appointed as the agent for the purpose of this Act, and the name of the person or persons who have been appointed as the agent for the purpose of this Act, and the name of the person or persons who have been appointed as the agent for the purpose of this Act.

(5) The name of the person or persons who have been appointed as the agent for the purpose of this Act, and the name of the person or persons who have been appointed as the agent for the purpose of this Act, and the name of the person or persons who have been appointed as the agent for the purpose of this Act.

(6) The name of the person or persons who have been appointed as the agent for the purpose of this Act, and the name of the person or persons who have been appointed as the agent for the purpose of this Act, and the name of the person or persons who have been appointed as the agent for the purpose of this Act.

ARTICLE IV

SECTION 1

SECTION 1. The Commission shall have the honor of the Commission.

SECTION 2

PROOF

No. , 1977.

A BILL

To exclude from the definition of "worker" in section 6 (1) of the Workers' Compensation Act, 1926, certain persons who are contestants in sporting or athletic activities.

[Mr F. J. WALKER—15 *March*, 1977.]

BE

Workers' Compensation (Further Amendment).

5 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Workers' Compensation Short title. (Further Amendment) Act, 1977".

2. The Workers' Compensation Act, 1926, is amended—

10 (a) by inserting after paragraph (f) of the definition of "Worker" in section 6 (1) the following paragraph :—

Amendment
of Act No.
15, 1926.
Sec. 6.
(Defini-
tions.)

15 (g) except as provided in subsections (10) and (14c), any person while he is, during the period commencing on the date of assent to this Act and ending on 31st December, 1977—

- 20 (i) participating as a contestant in any sporting or athletic activity;
- (ii) engaged in training or preparing himself with a view to his so participating; or
- 25 (iii) engaged on any daily or other periodic journey or other journey in connection with his so participating or his being so engaged,

30 if, under the contract pursuant to which he does any of the things referred to in subparagraph (i), (ii) or (iii), he is not entitled to any remuneration other than remuneration for the doing of those things.

(b)

Workers' Compensation (Further Amendment).

- (b) by inserting in section 6 (12) after the word "person" the words "(not being a person referred to in paragraph (g) of the definition of "worker" in subsection (1))";
- 5 (c) by omitting from the proviso to section 6 (14c) the word "performance." where lastly occurring and by inserting instead the following word and proviso :—
- performance :
- 10 Provided further that a person referred to in paragraph (g) of the definition of "worker" in subsection (1) shall be deemed not to be a person referred to in paragraph (b) or (c).
- 15 3. (1) A person is not entitled to claim or receive compensation under the Workers' Compensation Act, 1926, in respect of an injury to or the death of a person that occurred before the date of assent to this Act if, had section 2 been in force when the injury or death occurred, the person who was injured or who died would not have been a worker within the meaning of that Act by reason only of the amendments made by that section.
- 20 Compensation not payable in certain cases.
- (2) Subsection (1) does not apply in respect of compensation—
- 25 (a) in respect of which proceedings had been commenced in the Workers' Compensation Commission of New South Wales before 22nd February, 1977; or
- (b) payable to a person deemed to be a worker by section 4.
- 30 4. Where, immediately before the date of assent to this Act, a policy of insurance or indemnity referred to in section 18 (1) of the Workers' Compensation Act, 1926, was in force in respect of a person referred to in paragraph (g) of the definition of "worker" in section 6 (1) of that Act, as
- Certain persons to continue temporarily to be workers.

amended

Workers' Compensation (Further Amendment).

amended by section 2, that person shall, notwithstanding the amendments made by section 2, be deemed, while he does any of the things referred to in subparagraph (i), (ii) or (iii) of that paragraph under a contract with the person to whom
5 that policy was issued, to be a worker within the meaning of that Act until that policy either ceases to be in force or would, but for its being cancelled at the request of the person to whom it was issued, cease to be in force, whichever is the later.

10 5. Nothing in this Act in any way affects or limits the operation of the Workers' Compensation Act, 1926, with respect to compensation in respect of an injury to or the death of a person if any person at any time before the date
of assent to this Act received compensation under that Act
15 in respect of that injury or death.

Continued
operation
of Workers'
Compensa-
tion Act,
1926, where
compen-
sation
previously
paid.

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 37, 1977.

An Act to exclude from the definition of "worker" in section 6 (1) of the Workers' Compensation Act, 1926, certain persons who are contestants in sporting or athletic activities. [Assented to, 13th April, 1977.]

BE

Workers' Compensation (Further Amendment).

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

Short title. 1. This Act may be cited as the "Workers' Compensation (Further Amendment) Act, 1977".

Amendment of Act No. 15, 1926.
Sec. 6.
(Definitions.)

2. The Workers' Compensation Act, 1926, is amended—

(a) by inserting after paragraph (f) of the definition of "Worker" in section 6 (1) the following paragraph:—

(g) except as provided in subsections (10) and (14c), any person while he is, during the period commencing on the date of assent to this Act and ending on 31st December, 1977—

(i) participating as a contestant in any sporting or athletic activity;

(ii) engaged in training or preparing himself with a view to his so participating; or

(iii) engaged on any daily or other periodic journey or other journey in connection with his so participating or his being so engaged,

if, under the contract pursuant to which he does any of the things referred to in subparagraph (i), (ii) or (iii), he is not entitled to any remuneration other than remuneration for the doing of those things.

(b)

Workers' Compensation (Further Amendment).

(b) by inserting in section 6 (12) after the word "person" the words "(not being a person referred to in paragraph (g) of the definition of "worker" in subsection (1))";

(c) by omitting from the proviso to section 6 (14c) the word "performance." where lastly occurring and by inserting instead the following word and proviso :—

performance :

Provided further that a person referred to in paragraph (g) of the definition of "worker" in subsection (1) shall be deemed not to be a person referred to in paragraph (b) or (c).

3. (1) A person is not entitled to claim or receive compensation under the Workers' Compensation Act, 1926, in respect of an injury to or the death of a person that occurred before the date of assent to this Act if, had section 2 been in force when the injury or death occurred, the person who was injured or who died would not have been a worker within the meaning of that Act by reason only of the amendments made by that section.

Compensation not payable in certain cases.

(2) Subsection (1) does not apply in respect of compensation—

- (a) in respect of which proceedings had been commenced in the Workers' Compensation Commission of New South Wales before 22nd February, 1977; or
- (b) payable to a person deemed to be a worker by section 4.

4. Where, immediately before the date of assent to this Act, a policy of insurance or indemnity referred to in section 18 (1) of the Workers' Compensation Act, 1926, was in force in respect of a person referred to in paragraph (g) of the definition of "worker" in section 6 (1) of that Act, as

Certain persons to continue temporarily to be workers.

amended

Workers' Compensation (Further Amendment).

amended by section 2, that person shall, notwithstanding the amendments made by section 2, be deemed, while he does any of the things referred to in subparagraph (i), (ii) or (iii) of that paragraph under a contract with the person to whom that policy was issued, to be a worker within the meaning of that Act until that policy either ceases to be in force or would, but for its being cancelled at the request of the person to whom it was issued, cease to be in force, whichever is the later.

Continued operation of Workers' Compensation Act, 1926, where compensation previously paid.

5. Nothing in this Act in any way affects or limits the operation of the Workers' Compensation Act, 1926, with respect to compensation in respect of an injury to or the death of a person if any person at any time before the date of assent to this Act received compensation under that Act in respect of that injury or death.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 30 March, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 37, 1977.

An Act to exclude from the definition of "worker" in section 6 (1) of the Workers' Compensation Act, 1926, certain persons who are contestants in sporting or athletic activities. [Assented to, 13th April, 1977.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Workers' Compensation (Further Amendment).

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

Short title. **1.** This Act may be cited as the "Workers' Compensation (Further Amendment) Act, 1977".

Amendment of Act No. 15, 1926. Sec. 6. (Definitions.) **2.** The Workers' Compensation Act, 1926, is amended—

(a) by inserting after paragraph (f) of the definition of "Worker" in section 6 (1) the following paragraph :—

(g) except as provided in subsections (10) and (14c), any person while he is, during the period commencing on the date of assent to this Act and ending on 31st December, 1977—

(i) participating as a contestant in any sporting or athletic activity;

(ii) engaged in training or preparing himself with a view to his so participating; or

(iii) engaged on any daily or other periodic journey or other journey in connection with his so participating or his being so engaged,

if, under the contract pursuant to which he does any of the things referred to in subparagraph (i), (ii) or (iii), he is not entitled to any remuneration other than remuneration for the doing of those things.

(b)

Workers' Compensation (Further Amendment).

- (b) by inserting in section 6 (12) after the word "person" the words "(not being a person referred to in paragraph (g) of the definition of "worker" in subsection (1))";
- (c) by omitting from the proviso to section 6 (14c) the word "performance." where lastly occurring and by inserting instead the following word and proviso :—

performance :

Provided further that a person referred to in paragraph (g) of the definition of "worker" in subsection (1) shall be deemed not to be a person referred to in paragraph (b) or (c).

3. (1) A person is not entitled to claim or receive compensation under the Workers' Compensation Act, 1926, in respect of an injury to or the death of a person that occurred before the date of assent to this Act if, had section 2 been in force when the injury or death occurred, the person who was injured or who died would not have been a worker within the meaning of that Act by reason only of the amendments made by that section. Compensation not payable in certain cases.

(2) Subsection (1) does not apply in respect of compensation—

- (a) in respect of which proceedings had been commenced in the Workers' Compensation Commission of New South Wales before 22nd February, 1977; or
- (b) payable to a person deemed to be a worker by section 4.

4. Where, immediately before the date of assent to this Act, a policy of insurance or indemnity referred to in section 18 (1) of the Workers' Compensation Act, 1926, was in force in respect of a person referred to in paragraph (g) of the definition of "worker" in section 6 (1) of that Act, as Certain persons to continue temporarily to be workers.

amended

Workers' Compensation (Further Amendment).

amended by section 2, that person shall, notwithstanding the amendments made by section 2, be deemed, while he does any of the things referred to in subparagraph (i), (ii) or (iii) of that paragraph under a contract with the person to whom that policy was issued, to be a worker within the meaning of that Act until that policy either ceases to be in force or would, but for its being cancelled at the request of the person to whom it was issued, cease to be in force, whichever is the later.

Continued
operation
of Workers'
Compensa-
tion Act,
1926, where
compen-
sation
previously
paid.

5. Nothing in this Act in any way affects or limits the operation of the Workers' Compensation Act, 1926, with respect to compensation in respect of an injury to or the death of a person if any person at any time before the date of assent to this Act received compensation under that Act in respect of that injury or death.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 13th April, 1977.*