

**WORKERS' COMPENSATION AND INJURY MANAGEMENT AMENDMENT (JOCKEYS) BILL
2012**

Introduction and First Reading

Bill introduced, on motion by **Hon Simon O'Brien (Minister for Commerce)**, and read a first time.

Second Reading

HON SIMON O'BRIEN (South Metropolitan — Minister for Commerce) [3.07 pm]: I move —

That the bill be now read a second time.

I thank you, Mr President, for the courtesy of permitting senior officials from the Western Australian Jockey's Association to be present in your gallery.

This bill improves workers' compensation arrangements for jockeys under the Workers' Compensation and Injury Management Act 1981. Since 1985, the weekly workers' compensation rate for jockeys has been linked to the weekly pay rate for stable foremen under the Horse and Greyhound Training Award 2010, which is currently \$706.10 a week. All licensed jockeys receive the same weekly compensation benefit if unfit for work, regardless of their pre-injury earnings. Jockeys are the only occupational class whose actual earnings are disregarded in determining weekly compensation payments. The current method, therefore, unfairly restricts workers' compensation entitlements for the majority of licensed jockeys in this state who earn above the stable foremen rate. The government has consulted extensively on this matter and reached agreement with the Western Australian Jockey's Association and Racing and Wagering Western Australia for legislative amendments that align the rate of weekly compensation paid to jockeys with their pre-injury earnings on the same basis as other workers. I am pleased to introduce a bill to effect this change.

Weekly compensation rate for jockeys: The bill removes the link to the stable foremen award for determining jockeys' weekly compensation payments for injuries on or after the commencement of the amendments. Weekly compensation payments for jockeys injured after the commencement date will be calculated based on their pre-injury average earnings on the same basis as other workers whose earnings are not prescribed by an industrial award. Accordingly, pre-injury earnings will be averaged over the 12 months prior to the injury and will include income from any concurrent employment. The cap on weekly payments and the step down from week 14 will apply to jockeys as it does for other workers. The change will ensure jockeys are not treated any differently from other workers in determining the amount of compensation payable. A transitional provision will preserve the stable foremen award rate for determining weekly compensation payments for jockeys with injuries that occur before the amendment bill comes into operation. This ensures the amendments are not retrospective.

Duties undertaken for trainers at unlicensed locations: The bill also clarifies the scope of the workers' compensation insurance obligation between Racing and Wagering Western Australia and licensed trainers regarding work done by jockeys at unlicensed facilities. Racing and Wagering Western Australia currently bears the workers' compensation risk and premium cost associated with work done by jockeys for trainers at unlicensed locations. Racing and Wagering Western Australia has no control over safety standards at unlicensed locations and therefore picks up a liability that would otherwise rest with the trainer. The bill will continue to deem Racing and Wagering Western Australia the employer of licensed jockeys while the jockey is racing, engaged in riding work or carrying out the usual duties of a jockey for a trainer at any licensed facility, such as a licensed racecourse, training track or trial track. However, when a jockey is performing work for a trainer on any unlicensed facility, such as work on a trainer's own premises or beach work, the jockey will be covered by the trainer's workers' compensation policy. Trainers are already required to hold workers' compensation insurance for track work riders and other workers, and this cover will extend to licensed jockeys if performing work for the trainer at any unlicensed facility. These changes will have a positive impact on jockeys by providing compensation payments that better reflect an individual's pre-injury earnings and build on the government's 2011 workers' compensation reforms, which introduced a number of improvements, including the removal of age limits on entitlements.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party, nor does the bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 4837.]

Debate adjourned, pursuant to standing orders.