



ANNO VICESIMO SEXTO

**ELIZABETHAE II REGINAE**

A.D. 1977

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**No. 19 of 1977**

An Act to exclude from the definition of "workman" in subsection (1) of section 8 of the Workmen's Compensation Act, 1971-1974, certain persons who are contestants in sporting or athletic activities and for other purposes.

[Assented to 5th May, 1977]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. This Act may be cited as the "Workmen's Compensation (Special Provisions) Act, 1977".

Certain persons not workmen within meaning of Workmen's Compensation Act.

2. (1) Notwithstanding anything in the Workmen's Compensation Act, 1971-1974, to the contrary, but subject to this section, a person shall be deemed not to be a workman within the meaning of subsection (1) of section 8 of that Act while he is—

- (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 daily or other periodic journey or other journey in connection with his so participating or being so engaged,

in relation to a contract pursuant to which he does any of the things referred to in paragraph (a), (b) or (c) of this subsection if under that contract he is not entitled to any other remuneration other than remuneration for the doing of those things.

(2) In this section "a person" does not include—

- (a) a person authorized or permitted by or under the Racing Act, 1976, to ride or drive in any race as defined in that Act, in his capacity as such;
- (b) a boxer, wrestler or referee employed or engaged for a fee to participate in any boxing or wrestling match in his capacity as such.

3. (1) Subject to subsection (2) of this section, a person is not entitled to claim or receive compensation under the Workmen's Compensation Act, 1971-1974, in respect of the death or injury of a person that occurred before the commencement of this Act, if, had section 2 of this Act been in operation at the time the death or injury occurred, the person who was injured or died would not have been a workman within the meaning of the Workmen's Compensation Act, 1971-1974, by reason only of the provisions of that section.

Compensation not payable in certain cases.

(2) Subsection (1) of this section does not apply in respect of compensation in relation to which proceedings had been commenced under the Workmen's Compensation Act, 1971-1974, before the sixteenth day of March, 1977.

4. Nothing in this Act in any way affects or limits the operation of the Workmen's Compensation Act, 1971-1974, with respect to compensation in respect of an injury to or death of a person, if any person, at any time, before the commencement of this Act received compensation under that Act in respect of that injury or death.

Continual operation of Workmen's Compensation Act, where compensation previously paid.

5. (1) Subject to subsection (2) of this section, this Act shall expire on a day to be fixed by proclamation.

Expiry of Act.

(2) If a proclamation referred to in subsection (1) of this section has not been made before the thirty-first day of December, 1978, this Act shall expire on that day.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

W. R. CROCKER, Lieutenant-Governor