



# Workers Compensation (General) Amendment (Exemption) Regulation 2003

under the

Workers Compensation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers Compensation Act 1987*.

JOHN DELLA BOSCA, M.L.C.,  
Minister for Commerce

## Explanatory note

The objects of this Regulation are:

- (a) to exempt contracts entered into by farmers for the carrying out of farm work on their farms from the operation of a new provision of the *Workers Compensation Act 1987* that makes contractors liable for unpaid workers compensation insurance premiums payable by their subcontractors, and
- (b) to provide for the transitional operation of new provisions relating to the definition of *wages* in the *Workers Compensation Act 1987*, so that the new provisions do not apply to wages paid, or insurance policies issued or renewed, before 4 pm on 30 June 2003.

This Regulation is made under the *Workers Compensation Act 1987*, including section 175B and section 280 (the general regulation-making power).

**2003 No 430**

Clause 1 Workers Compensation (General) Amendment (Exemption)  
Regulation 2003

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**Workers Compensation (General) Amendment  
(Exemption) Regulation 2003**

under the

Workers Compensation Act 1987

**1 Name of Regulation**

This Regulation is the *Workers Compensation (General) Amendment (Exemption) Regulation 2003*.

**2 Commencement**

This Regulation commences on 30 June 2003.

**3 Amendment of Workers Compensation (General) Regulation 1995**

The *Workers Compensation (General) Regulation 1995* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 54C

Insert after clause 54B:

#### **54C Liability for subcontractor premiums—exemption for farming operations**

- (1) A contract for the carrying out of work on a farm on which a farmer engages in a farming operation is exempt from the operation of section 175B of the 1987 Act if the farmer is the principal contractor and the work is an aspect of the work of the farming operation (and is not an aspect of the work of any other business undertaking of the farmer).

- (2) In this clause:

*farmer* means a person who is engaged in a farming operation and includes a person who owns land cultivated under a share-farming agreement.

*farming operation* means a farming (including dairy farming, poultry farming, bee farming and aquaculture), pastoral, horticultural or grazing operation.

### [2] Clause 73R

Insert after clause 73Q:

#### **73R Application of amendments to definition of “wages”**

An amendment made to the 1987 Act by Schedule 2 [4], [5], [6] or [7] to the *Workers Compensation Legislation Amendment Act 2002*:

- (a) does not apply to wages paid before 4 pm on 30 June 2003, and
- (b) does not apply in respect of a policy of insurance issued or renewed before 4 pm on 30 June 2003.