

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

*Second Reading*

Resumed from an earlier stage of the sitting.

**HON MATT BENSON-LIDHOLM (Agricultural)** [5.06 pm]: Before question time, I was making some points about the Workers' Compensation and Injury Management Amendment (Jockeys) Bill 2012. I have spoken to the member for South Perth, who likewise has quite an interest in racing and wagering. While I think about that, I inadvertently forgot to mention that I am a member of the Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts, and even though the committee's report was delivered a couple of years ago, it is still an active committee in that it has the capacity to monitor the racing industry. Previously, I was making the point about harness reinsmen. The reason for doing that is that, increasingly, more and more reinspersons engage in freelance work. The member for South Perth told me that basically the reason that reinspersons were not included in the bill is that invariably they are involved in training and that the driving of horses in a harness race is not their sole means of earning an income. I would like to point out that there are increasing numbers of young people who do just that. They are not involved in training animals. Increasingly, more and more of them are freelance reinspersons. One freelance reinsman in particular is a young gentleman in his early 20s by the name of Morgan Woodley. He is an outstanding young reinsman who frequently wins many big races not just in Western Australia, but also in the eastern states. I make that point to the minister. I know that it is probably beyond the ambit of this bill, but it is something that the minister may or may not like to make comment about.

**Hon Simon O'Brien:** I will respond—when I get the chance.

**Hon MATT BENSON-LIDHOLM:** I thank the minister.

The point I make is that with the professionalism of the schooling involved in both harness racing and the gallops industry, it is good to see that many young people who are thorough professionals are getting involved in the various industries.

Hon Kate Doust certainly made mention of the types of injuries that prevail. I have one particular question, and I suppose it stems from the nature of the injury and the assessment of the likely impacts of that particular injury on future earnings. If members know much about the racing industry, they will remember a premier Western Australian jockey by the name of Rob Kemp who suffered significant head injuries many years ago. At the time of his injury he was, I suppose, right at the very top of his profession. He has ongoing issues around his livelihood and health, and I would like to know who will make the injury assessments, and whether there is any ongoing capacity, if jockeys were to suffer significant injuries that worsened over the years, in this legislation or for regulations to be written around it that might help address issues that may worsen for some jockeys in later years.

Another issue is with respect to jockeys whose apprenticeship is completed in, let us say, the next three or four months or so. Not that anyone would wish this on anyone, but an injury can happen at any race meeting and falls occur across Australia literally every week. How would we go about assessing the capacity of that jockey to earn X, Y or Z amount of money in years to come if they have only been a professional jockey for two or three months?

**Hon Simon O'Brien:** I see. I will deal with that.

**Hon MATT BENSON-LIDHOLM:** Or is the capacity to earn an income determined as an apprentice? As I have indicated before, some of the most outstanding apprentice jockeys in Australia have gone on to have brilliant careers, but some have not because they have suffered significant injuries very early on in their professional career.

As far as I am concerned there is also an issue with dual licensing. I am not sure, but I know that dual licensing was certainly seen to be a popular way, about five or 10 years ago, of diversifying the income of jockeys and reinspersons: does that still occur in racing? If it does, some issues may well be associated with that that perhaps, after listening to what the minister has to say in his response, I will raise during the Committee of the Whole stage. There are certainly some issues in that regard.

I have a further question that stems from the fact that some jockeys retire because of age; very few jockeys ride into their late 40s or 50s—I think people like Danny Miller may well be an exception; I think he might still take the occasional ride. But there would not be too many jockeys who —

**Hon Ken Baston:** He still does.

**Hon MATT BENSON-LIDHOLM:** He still does?

**Hon Ken Baston:** He rides in Carnarvon and Broome.

**Hon MATT BENSON-LIDHOLM:** But there are very few. I think he would be in his late 50s—if not, into his 60s.

**Hon Ken Baston:** Late 60s!

**Hon MATT BENSON-LIDHOLM:** But those sorts of jockeys are the exception.

So, if a jockey happens to suffer a significant injury in, let us say, their 20s or 30s, and then turns to being a trainer in the same industry—a lot of jockeys do turn very successfully to training horses—are there any implications for any sort of an ongoing payout, if members like, or award in terms of them staying in the industry but accessing moneys they may well have earned if they had not had an injury as a younger jockey?

I have a couple of issues that stem from points made by Hon Robin Chapple, who mentioned jockeys who are not necessarily resident in Western Australia riding in this state—particularly foreign and eastern states riders. Are there any implications for that, or can the minister give us some sort of an idea of how their particular situations will be, if members like, looked after in terms of their capacity to subsequently earn income? Western Australian racetracks are very different to those in the eastern states, and indeed overseas, particularly in South-East Asia where a lot of Western Australian riders move to. I dare say the same sort of thing applies here; jockeys will move to Western Australia to ride in feature events, particularly around our Christmas carnival.

**Hon Robin Chapple:** By interjection, Queensland does not actually have a compensation arrangement itself.

**Hon MATT BENSON-LIDHOLM:** That is a very, very valid point.

I have another issue that I think was canvassed in a previous debate. Jockeys who are perhaps not good enough or lucky enough to pick up plum rides may well earn significantly less than the \$706.10 the stable foreman rate is based upon. If a jockey were to suffer some sort of career-threatening injury, is that the base amount or can they actually earn less than that, given what they earned the year before as a rider?

**Hon Simon O'Brien:** At the moment, do you mean?

**Hon MATT BENSON-LIDHOLM:** No; once this bill is enacted—given that there is a more than reasonable chance it will go through, of course; the opposition is supporting it—in the fullness of time will those sorts of jockeys be able to earn at least the \$706.10 a week, or is there a possibility, given their record in the previous, say, 12 months or so, that they may earn even less than \$706.10? Or is that \$706 the absolute minimum?

**Hon Simon O'Brien:** It is theoretically possible, but their future compensation under this regime, of course, will be the average of all earnings, including from a second job if they are not jockeying full time.

**Hon Robin Chapple:** But only of the previous year.

**Hon MATT BENSON-LIDHOLM:** I do not think I have too many other issues to talk about.

This is a very timely bill. Jockeys certainly do not earn that much money; I believe the riding figure is something in the order of five per cent. I have a further question to pose. In harness racing, if somebody goes to a particular trainer/reinsman or reinsperson and says, “Look, I would like you to take on my horse”, or stable, in the past some in the harness racing industry would take maybe as much as 20 per cent of the stake. Currently, the figure in harness racing is 7.5 per cent for the trainer and five per cent for the reinsperson. Just for my knowledge, I want to know whether that figure is basically the same in the galloping industry, where this bill will be applicable; and I want to know whether jockeys can actually command more than what is regarded as being the standard or stipulated fee. As I said, that happens in harness racing; if people go to certain trainers they just say it is a blanket 20 per cent to train and drive the horse, and that is what they will take, and the owner can take it or leave it sort of thing. I just want to know whether that occurs in the galloping industry, simply because it gives the better jockeys the capacity to earn even more money than they otherwise may have.

We have talked about a lot of falls happening in the racing industry, but I have an issue about stable accidents and how they are regarded, particularly in dual licensing situations. My current trainer is licensed to train pacers and gallopers. My question is: are there any implications for people working, particularly jockeys, in a dual licenced stable who might be injured in a stable accident or even travelling with horses if the horses are going from one track to another? I add that question to the ones I have put. I know we are rapidly drawing to the end of time allocated for debate. I do not think I have too many more bits and pieces that I need to go over at this particular point in time. I will save them for the committee stage.

Debate adjourned, pursuant to standing orders.