

Trainer Model	Staff	Who performs the Trackwork services		Insurance Required	Comments
Scenario 1	No Stable Staff	Trainer rides trackwork	1. You are an owner of the training business and do not draw a wage as an employee or receive remuneration.	NO	You would not be regarded as a worker and there would be no need to have workers compensation (WC) insurance from a legal point of view.
			2. Corporate structure set up for the training business so that you draw a wage as an employee	YES	You are employed by your company as a track work rider, hence WC insurance is recommended.
Scenario 2	No Stable Staff	Volunteer Rides Trackwork (this can include domestic partner, family members and other volunteers that do not receive a reward/ remuneration for their services)	1. You are in a personal relationship with the trackwork rider. Your volunteer rides trackwork not on a regular basis and do not receive a reward/remuneration from you for their assistance.	NO	Your volunteer would not be considered as a worker and as such WC insurance would not be required. <b>It is important for trainers to carry public liability insurance for ALL people who are on your premises.</b>
			2. You are in a personal relationship with the track work rider. Your volunteer rides trackwork as a trade and receives a reward/remuneration from you for their services.	YES	As your volunteer's trackwork riding services are provided to you as a trade of their services, WC insurance is recommended. <b>It is important for trainers to carry public liability insurance for ALL people who are on your premises.</b>
Scenario 3	No Stable Staff	A paid trackwork rider who has their own insurance	Paid trackwork rider	NO* (*if section 4B does not apply)	Whether section 4B of the <i>Workers Rehabilitation and Compensation Act 1988 (Act)</i> applies to your situation will depend on your own facts. Any slight variances can make a difference in the trackwork rider being considered a worker or a contractor (i.e. whether the trackwork rider is regularly carrying on that business in their own name or under a business or firm name and carries their own WC insurance). If so, then the trackwork rider is likely to be a contractor as opposed to a worker within the meaning of the Act. However a contractor can become a worker depending on a number of factors, including the extent to which they are riding for a particular trainer, the level of control the trainer is exercising and how regularly the trackwork rider is working. If the trackwork rider is not carrying work that they would regularly do and the contract exceeds \$100 in value, they would be deemed to be a worker by reason of section 4B, <u>unless they provide their own personal accident insurance.</u>  <b>You should ensure that the person provides proof of their own personal accident insurance, which can often remove them from being a worker under the Act.</b>  <b>To err on the side of caution, we recommend that you take out WC insurance.</b>
Scenario 4	No Stable Staff	A paid trackwork rider who <u>does not</u> have their own insurance	1. Paid trackwork rider with <u>no insurance</u>	YES	It is likely that the trackwork rider without their own personal accident insurance will be deemed to be a worker by section 4B. As such you should take out WC insurance.
Scenario 5	No Stable Staff	Licensed Jockey or apprentice rides trackwork	Licensed Jockey or apprentice rides trackwork	NO	Licensed jockeys and licensed apprentices are covered by section 4DC of the Act for the purpose of undertaking trackwork.
Scenario 6	Volunteer stable staff	Trainer rides own trackwork	1. Trainer rides trackwork	Refer to scenario 1	<b>Trainer rides trackwork - same as Scenario 1 depending on your training model (i.e owner v corporate structure).</b>
			2. Volunteer stable staff	YES	You should carry Public Liability and Volunteer workers insurance for volunteer stable staff. <b>It is important for trainers to carry public liability insurance for ALL people who are on your premises.</b>
Scenario 7	Volunteer stable staff	Domestic Partner Rides Trackwork	1. You are in a personal relationship with the track work rider. Your domestic partner rides track work not on a regular basis and do not receive a reward/remuneration from you for their assistance.	NO	Your domestic partner would not be considered as a worker and as such WC insurance would not be required.
			2. You are in a personal relationship with the track work rider. Your domestic partner rides track work as a trade and receives a reward/remuneration from you for their services.	YES	As your domestic partner's track work riding services are provided to you as a trade of their services, WC insurance is recommended.
			3. Volunteer stable staff	YES	You should carry Public Liability and Volunteer workers insurance for volunteer stable staff. <b>It is important for trainers to carry public liability insurance for ALL people who are on your premises.</b>
Scenario 8	Volunteer stable staff	A paid trackwork rider who has their own insurance	1. Paid trackwork rider	NO* (*if section 4B does not apply)	Whether section 4B applies to your situation will depend on your own facts. Any slight variances can make a difference in the track work rider being considered a worker or a contractor (i.e. whether the track work rider is regularly carrying on that business in their own name or under a business or firm name and carries their own WC insurance). If so, then the track work rider is likely to be a contractor as opposed to a worker within the meaning of the Act. However a contractor can become a worker depending on a number of factors, including the extent to which they are riding for a particular trainer, the level of control the trainer is exercising and how regularly the track work rider is working. If the track work rider is not carrying work that they would regularly do and the contract exceeds \$100 in value, they would be deemed to be a worker by reason of section 4B, <u>unless they provide their own personal accident insurance.</u>  <b>You should ensure that the person provides proof of their own personal accident insurance, which can often remove them from being a worker under the Act.</b>  <b>To err on the side of caution, we recommend that you take out WC insurance.</b>
			2. Volunteer stable staff	YES	You should carry Public Liability and Volunteer workers insurance for volunteer stable staff. <b>It is important for trainers to carry public liability insurance for ALL people who are on your premises.</b>
Scenario 9	Volunteer stable staff	A paid trackwork rider who <u>does not</u> have their own insurance	1. Paid trackwork rider with <u>no insurance</u>	YES	It is likely that the trackwork rider without their own personal accident insurance will be deemed to be a worker by section 4B. As such you should take out WC insurance.
			2. Volunteer stable staff	YES	You should carry Public Liability and Volunteer workers insurance for volunteer stable staff. <b>It is important for trainers to carry public liability insurance for ALL people who are on your premises.</b>
Scenario 10	Volunteer stable staff	Licensed Jockey or apprentice rides trackwork	1. Licensed jockey or licensed apprentice	NO	Licensed apprentice jockeys are covered by section 4DC of the Act.
			2. Volunteer stable staff	YES	You should carry Public Liability and Volunteer workers insurance for volunteer stable staff. <b>It is important for trainers to carry public liability insurance for ALL people who are on your premises.</b>
Scenario 11	Paid Stable Staff	Trainer rides own trackwork	1. Trainer rides trackwork	Refer to scenario 1	<b>Trainer rides own trackwork - same as Scenario 1 depending on your training model (i.e owner v corporate structure).</b>
			2. Paid stable staff	YES	<b>You should carry Workers Compensation and Public Liability insurance for your employees and all people who are on your premises.</b>

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Scenario 12	Paid Stable Staff	Domestic Partner Rides Trackwork	1. You are in a personal relationship with the track work rider. Your domestic partner rides track work not on a regular basis and do not receive a reward/remuneration from you for their assistance.	NO	Your domestic partner would not be considered as a worker and as such WC insurance would not be required.
			2. You are in a personal relationship with the track work rider. Your domestic partner rides track work as a trade and receives a reward/remuneration from you for their services.	YES	As your domestic partner's track work riding services are provided to you as a trade of their services, WC insurance is recommended.
			3. Paid stable staff	YES	<b>You should carry Workers Compensation and Public Liability insurance for your employees and all people who are on your premises.</b>
Scenario 13	Paid Stable Staff	A paid trackwork rider who has their own insurance	1. Paid trackwork rider	NO* (*if section 4B does not apply)	Whether section 4B applies to your situation will depend on your own facts. Any slight variances can make a difference in the track work rider being considered a worker or a contractor (i.e. whether the track work rider is regularly carrying on that business in their own name or under a business or firm name and carries their own WC insurance. If so, then the track work rider is likely to be a contractor as opposed to a worker within the meaning of the Act. However a contractor can become a worker depending on a number of factors, including the extent to which they are riding for a particular trainer, the level of control the trainer is exercising and how regularly the track work rider is working. If the track work rider is not carrying work that they would regularly do and the contract exceeds \$100 in value, they would be deemed to be a worker by reason of section 4B, <u>unless they provide their own personal accident insurance.</u>  <b>You should ensure that the person provides proof of their own personal accident insurance, which can often remove them from being a worker under the Act.</b>  <b>To err on the side of caution, we recommend that you take out WC insurance.</b>
			2. Paid stable staff	YES	<b>You should carry Workers Compensation and Public Liability insurance for your employees and all people who are on your premises.</b>
Scenario 14	Paid Stable Staff	A paid trackwork rider who <u>does not</u> have their own insurance	1. Paid trackwork rider with <u>no insurance</u>	YES	It is likely that the trackwork rider without their own personal accident insurance will be deemed to be a worker by section 4B. As such you should take out WC insurance.
			2. Paid Stable Staff	YES	<b>You should carry Workers Compensation and Public Liability insurance for your employees and all people who are on your premises.</b>
Scenario 15	Paid Stable Staff	Contracted trackwork rider	1. Contracted trackwork rider	**	** Contracted Track work rider - depends upon the terms of the contract and whether the contracted track work rider is undertaking work incidental to their normal trade or business. If so, then depending upon the terms of the contract they would not generally be a worker within the meaning of the Act.  <b>To err on the side of caution, we recommend that you take out Workers compensation insurance.</b>
			2. Paid stable staff	YES	<b>You should carry Workers Compensation and Public Liability insurance for your employees and all people who are on your premises.</b>
Scenario 16	Paid Stable Staff	Licensed Jockey or apprentice rides trackwork	1. Licensed jockey or licensed apprentice	NO	Licensed jockeys and licensed apprentices are covered by section 4DC of the Act for the purpose of undertaking trackwork.
			2. Paid stable staff	YES	<b>You should carry Workers Compensation and Public Liability insurance for your employees and all people who are on your premises.</b>

**NOTE: It is important for trainers to carry public liability insurance for ALL people who are on your premises.**

**Disclaimer:**  
The information provided in the matrix is for general informational purposes only. This Matrix does not constitute legal advice, are not intended to be a substitute for legal advice and should not be relied upon as such. You should seek legal advice or professional advice in relation to any particular matter relevant to you.

**"Worker"** in the Act is defined as being:  
1. Any person who has entered into or works under a contract of service of training, contract with employer; or  
2. Any person or class of persons taken to be a worker for the purposes of the Act.