

FIRST PRINT

**SPORTING INJURIES INSURANCE (AMENDMENT)  
BILL 1991**

NEW SOUTH WALES



**EXPLANATORY NOTE**

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Sporting Injuries Insurance Act 1978 establishes a scheme for the payment of compensation for serious injuries to or the death of participants in the sporting or athletic activities of certain sporting organisations, schools and the Department of Sport and Recreation.

The object of this Bill is to amend the Sporting Injuries Insurance Act 1978 so as:

- (a) to increase the benefits payable under that Act by approximately 65 per cent; and
- (b) to clarify the provisions of that Act relating to the benefit payable in the case of multiple compensable injuries; and
- (c) to make special provision with respect to the payment of benefits to mentally incapacitated persons.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be proclaimed by the Governor-in-Council.

Clause 3 is a formal provision which gives effect to the Schedule of amendments to the Principal Act.

Clause 4 contains savings and transitional provisions and provides, in particular, that the proposed increased benefits are payable only in respect of serious injuries or deaths arising from sporting or athletic activities that take place after the commencement of the proposed Act.

**SCHEDULE 1—AMENDMENTS**

Schedule 1 (1) (a), (b), (c) and (e), (2) and (4) increase by approximately 65 per cent the benefits payable under the Principal Act in respect of serious injuries or deaths arising from sporting or athletic activities to which the Principal Act applies.

*Sporting Injuries Insurance (Amendment) 1991*

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Schedule 1 (1) (d) clarifies the application of the provisions of the Principal Act relating to the benefit payable in the case of multiple compensable injuries. The amendment makes it clear that, if a single injury could be compensated under 2 or more items in the Table of compensable injuries, the benefit payable is for the compensable injury which provides the larger or largest benefit. For instance, an injury to a foot may be compensated as the relevant percentage loss of the use of the foot or as a lesser percentage loss of the use of the lower part of the leg or as a lesser percentage loss of the whole leg. In that case, a separate benefit is not payable under each item but, because of the larger amount payable for the loss of the whole or part of a limb, the lesser percentage of that item may result in a larger benefit than is payable for the loss of the use of the foot.

Schedule 1 (3) enables the Sporting Injuries Committee to postpone payment of a benefit payable to a mentally incapacitated person pending a determination on the administration of the estate of the person. In the meantime the money is to be paid into a trust fund established by the Committee for the person. Payment need not be postponed if an existing trust fund has been established for the person.

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FIRST PRINT

**SPORTING INJURIES INSURANCE (AMENDMENT)  
BILL 1991**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Sporting Injuries Insurance Act 1978 No. 141
4. Transitional and savings provisions

SCHEDULE 1—AMENDMENTS

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**SPORTING INJURIES INSURANCE (AMENDMENT)  
BILL 1991**

NEW SOUTH WALES



No. , 1991

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**A BILL FOR**

An Act to amend the Sporting Injuries Insurance Act 1978 to increase the benefits payable under that Act and to make further provision with respect to the payment of those benefits.

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*Sporting Injuries Insurance (Amendment) 1991*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Sporting Injuries Insurance (Amendment) Act 1991.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Sporting Injuries Insurance Act 1978 No. 141**

3. The Sporting Injuries Insurance Act 1978 is amended as set out in Schedule 1.

**Transitional and savings provisions**

4. (1) An amendment made by this Act (except the amendment made by Schedule 1 (3)) does not apply to or in respect of:

- (a) any injury arising out of or in the course of an authorised activity under the Sporting Injuries Insurance Act 1978; or
- (b) any death as a consequence of such an injury,

if the activity took place before the commencement of the amendment.

(2) The amendment made by Schedule 1 (3) applies to and in respect of benefits payable after the commencement of the amendment.

(3) An amendment made by this Act does not affect any regulation in force under the Sporting Injuries Insurance Act 1978 immediately before the commencement of the amendment.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 25 (**Payment of benefits for injuries**):

- (a) From section 25 (2) (a), omit "\$14,650", insert instead "\$24,150".
- (b) From section 25 (2) (b), omit "\$21,000", insert instead "\$34,650".
- (c) From section 25 (3), omit "\$37,500", insert instead "\$62,000".

*Sporting Injuries Insurance (Amendment) 1991*

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SCHEDULE 1—AMENDMENTS—*continued*

- (d) Omit section 25 (4), insert instead:

(4) If a person suffers a single injury that comprises more than one compensable injury (being compensable injuries that overlap), the person is entitled to a benefit under this section only in respect of the compensable injury that results in the largest benefit. For example, if a person suffers an injury to a foot, a benefit is not payable for the compensable injury of loss of a foot and for a percentage loss of the lower part of the leg and for a percentage loss of the leg—in such a case the largest of the 3 amounts is payable.

- (e) From section 25 (5), omit “\$90,000”, insert instead “\$150,000”.

- (2) Section 26 (**Payment of benefits for deaths**):

(a) From section 26 (2) and (2A), omit “\$37,500” and “\$1,500” wherever occurring, insert instead “\$62,000” and “\$2,500”, respectively.

(b) From section 26 (4) (c), omit “\$90,000”, insert instead “\$150,000”.

- (3) Section 28A:

After section 28, insert:

**Special provision with respect to payment of benefits to mentally incapacitated persons**

28A. (1) If a benefit is payable under this Act to a person who is mentally incapacitated as a result of the compensable injury, the Committee may postpone payment of the benefit pending a determination by the relevant court or tribunal as to whether the estate of the person should be subject to management because the person is incapable of managing his or her own affairs.

(2) Pending the payment of the benefit, the Committee is required to pay the money into a trust fund established by the Committee for the mentally incapacitated person.

(3) However, if a trust fund for the mentally incapacitated person already exists, the Committee may pay the benefit into that trust fund if it considers that it is in the best interests of the person to do so.



*Sporting Injuries Insurance (Amendment) 1991*

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SCHEDULE 1—AMENDMENTS—*continued*

(4) Schedule 1:

Omit the Schedule, insert instead:

**SCHEDULE 1—BENEFIT TABLES**

(Secs. 4 (1), 25)

**TABLE A**

PART 1—INJURIES RELATED TO ARMS

Permanent loss of not less than the percentage, prescribed by the regulations, of the use of:

	\$
(a) either arm or the greater part of an arm	37,950
(b) lower part of either arm	32,500
(c) either hand or 4 fingers and thumb of either hand	32,500
(d) thumb	14,100
(e) index finger	9,400
(f) middle, ring or little finger	4,950

PART 2—INJURIES RELATED TO LEGS

Permanent loss of not less than the percentage, prescribed by the regulations, of the use of:

	\$
(a) either leg or the greater part of a leg	34,650
(b) lower part of either leg	29,800
(c) foot	28,900
(d) great toe	9,400

PART 3—INJURIES RELATED TO SIGHT

	\$
1. Permanent and total loss of sight of both eyes (or of one eye, if it was the only sighted eye)	48,750



*Sporting Injuries Insurance (Amendment) 1991*

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SCHEDULE 1—AMENDMENTS—*continued*

	\$
2. Permanent loss of not less than the percentage, prescribed by the regulations, of the use of:	
(a) one eye, if it was the only sighted eye	34,650
(b) one eye, if it was not the only sighted eye	20,200

PART 4—MISCELLANEOUS INJURIES

	\$
1. Permanent loss of not less than the percentage, prescribed by the regulations, of:	
(a) hearing in both ears	29,800
(b) power of speech	29,800
2. Permanent loss of sighted eye	10,800
3. Permanent and total loss of the use of:	
(a) both kidneys (or of one kidney, if it was the only functioning kidney)	51,500
(b) one kidney, if it was not the only functioning kidney	6,200
(c) spleen	6,200

**TABLE B**

PART 1—INJURIES RELATED TO COGNITION

	\$
Permanent loss of:	
(a) mental capacity	150,000
(b) sense of smell	8,150
(c) sense of taste	8,150

PART 2—PHYSICAL INJURIES

	\$
Permanent loss of:	
(a) all sexual organs or part of them	24,150
(b) sightless eye	10,800

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**SPORTING INJURIES INSURANCE (AMENDMENT)  
ACT 1991 No. 23**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Sporting Injuries Insurance Act 1978 No. 141
4. Transitional and savings provisions

SCHEDULE 1—AMENDMENTS

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REPORTING REQUIREMENTS FOR FAMILIARIZATION  
ACT 1997 No. 23

NEW SOUTH WALES



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3. Arrangement of sections in force as at 1st July 1997  
4. Abbreviations and symbols  
5. AMENDMENTS



*Sporting Injuries Insurance (Amendment) 1991*

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SCHEDULE 1—AMENDMENTS—*continued*

	\$
2. Permanent loss of not less than the percentage, prescribed by the regulations, of the use of:	
(a) one eye, if it was the only sighted eye	34,650
(b) one eye, if it was not the only sighted eye	20,200

PART 4—MISCELLANEOUS INJURIES

	\$
1. Permanent loss of not less than the percentage, prescribed by the regulations, of:	
(a) hearing in both ears	29,800
(b) power of speech	29,800
2. Permanent loss of sighted eye	10,800
3. Permanent and total loss of the use of:	
(a) both kidneys (or of one kidney, if it was the only functioning kidney)	51,500
(b) one kidney, if it was not the only functioning kidney	6,200
(c) spleen	6,200

**TABLE B**

PART 1—INJURIES RELATED TO COGNITION

	\$
Permanent loss of:	
(a) mental capacity	150,000
(b) sense of smell	8,150
(c) sense of taste	8,150

*Sporting Injuries Insurance (Amendment) 1991*

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SCHEDULE 1—AMENDMENTS—*continued*

PART 2—PHYSICAL INJURIES

	\$
Permanent loss of:	
(a) all sexual organs or part of them	24,150
(b) sightless eye	10,800

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[Minister's second reading speech made in—  
 Legislative Assembly on 21 August 1991  
 Legislative Council on 27 August 1991]



**SPORTING INJURIES INSURANCE (AMENDMENT)  
ACT 1991 No. 23**

NEW SOUTH WALES



**Act No. 23, 1991**

An Act to amend the Sporting Injuries Insurance Act 1978 to increase the benefits payable under that Act and to make further provision with respect to the payment of those benefits. [Assented to 30 August 1991]

*Sporting Injuries Insurance (Amendment) 1991*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Sporting Injuries Insurance (Amendment) Act 1991.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Sporting Injuries Insurance Act 1978 No. 141**

3. The Sporting Injuries Insurance Act 1978 is amended as set out in Schedule 1.

**Transitional and savings provisions**

4. (1) An amendment made by this Act (except the amendment made by Schedule 1 (3)) does not apply to or in respect of:

(a) any injury arising out of or in the course of an authorised activity under the Sporting Injuries Insurance Act 1978; or

(b) any death as a consequence of such an injury,

if the activity took place before the commencement of the amendment.

(2) The amendment made by Schedule 1 (3) applies to and in respect of benefits payable after the commencement of the amendment.

(3) An amendment made by this Act does not affect any regulation in force under the Sporting Injuries Insurance Act 1978 immediately before the commencement of the amendment.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 25 (**Payment of benefits for injuries**):

(a) From section 25 (2) (a), omit "\$14,650", insert instead "\$24,150".

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*Sporting Injuries Insurance (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

(d) Omit section 25 (4), insert instead:

(4) If a person suffers a single injury that comprises more than one compensable injury (being compensable injuries that overlap), the person is entitled to a benefit under this section only in respect of the compensable injury that results in the largest benefit. For example, if a person suffers an injury to a foot, a benefit is not payable for the compensable injury of loss of a foot and for a percentage loss of the lower part of the leg and for a percentage loss of the leg—in such a case the largest of the 3 amounts is payable.

(e) From section 25 (5), omit “\$90,000”, insert instead “\$150,000”.

(2) Section 26 (**Payment of benefits for deaths**):

(a) From section 26 (2) and (2A), omit “\$37,500” and “\$1,500” wherever occurring, insert instead “\$62,000” and “\$2,500”, respectively.

(b) From section 26 (4) (c), omit “\$90,000”, insert instead “\$150,000”.

(3) Section 28A:

After section 28, insert:

**Special provision with respect to payment of benefits to mentally incapacitated persons**

28A. (1) If a benefit is payable under this Act to a person who is mentally incapacitated as a result of the compensable injury, the Committee may postpone payment of the benefit pending a determination by the relevant court or tribunal as to whether the estate of the person should be subject to management because the person is incapable of managing his or her own affairs.

(2) Pending the payment of the benefit, the Committee is required to pay the money into a trust fund established by the Committee for the mentally incapacitated person.

(3) However, if a trust fund for the mentally incapacitated person already exists, the Committee may pay the benefit into that trust fund if it considers that it is in the best interests of the person to do so.

*Sporting Injuries Insurance (Amendment) 1991*

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SCHEDULE 1—AMENDMENTS—*continued*

(4) Schedule 1:

Omit the Schedule, insert instead:

**SCHEDULE 1—BENEFIT TABLES**

(Secs. 4 (1), 25)

**TABLE A**

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**PART 2—INJURIES RELATED TO LEGS**

Permanent loss of not less than the percentage, prescribed by the regulations, of the use of:

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(a) either leg or the greater part of a leg	34,650
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1. Permanent and total loss of sight of both eyes (or of one eye, if it was the only sighted eye)	48,750