

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

NEW SOUTH WALES



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**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

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.

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”.

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*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

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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

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SCHEDULE 1—AMENDMENTS— *continued*PART 2—PHYSICAL **INJURIES**

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

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