



New South Wales

# Sporting Injuries Insurance Rule 1997

under the

Sporting Injuries Insurance Act 1978

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, and in pursuance of the *Sporting Injuries Insurance Act 1978*, has been pleased to approve the Rule made by the Sporting Injuries Committee and set forth hereunder.

J W SHAW QC MLC

Attorney General and Minister for Industrial Relations

## Explanatory note

The object of this Rule is to provide administrative detail for the purposes of the *Sporting Injuries Insurance Act 1978*. In the main, the Rule re-enacts and expands provisions that were previously included in the *Sporting Injuries Insurance Rules 1981*. Those Rules are repealed by this Rule. This Rule contains provisions relating to the following:

- (a) forms of application for benefits (clause 4),
- (b) information to be lodged in support of an application for benefits (clause 5),
- (c) the manner of lodgment of applications (clause 6),
- (d) the specification of authorised activities of sporting organisations that are covered by the *Sporting Injuries Insurance Act 1978* (clause 7),
- (e) the persons to be treated as registered players in relation to sporting organisations (clause 8),
- (f) the making of retrospective determinations by the Sporting Injuries Committee (clause 9),
- (g) the reimbursement of applicants for the cost of certain certificates and reports (clause 10),

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Explanatory note

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(h) machinery provisions (clauses 1–3) and the repeal of the Sporting Injuries Insurance Rules 1981 (clause 11).

This Rule is made under section 31 of the Sporting Injuries Insurance Act 1978 and the other provisions of that Act identified in the Rule.

This Rule is an excluded instrument for the purposes of Schedule 4 to the *Subordinate Legislation Act 1989*.

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## Sporting Injuries Insurance Rule 1997

The Sporting Injuries Committee, in pursuance of the *Sporting Injuries Act 1978*, hereby makes the following Rule:

### Part 1 Preliminary

#### 1 Name of Rule

This Rule is the *Sporting Injuries Insurance Rule 1997*.

#### 2 Commencement

This Rule commences on 5 September 1997.

#### 3 Definitions

In this Rule:

***member organisation*** means any organisation that belongs to, is a member or a constituent or subordinate organisation of, or is affiliated or connected with or attached to, a sporting organisation.

***the Act*** means the *Sporting Injuries Insurance Act 1978*.

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Part 2 Applications

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## **Part 2 Applications**

### **4 Forms of application**

For the purposes of section 21 (1) (a) of the Act, the prescribed form of application for a person applying for a benefit:

- (a) under section 19 (1) (a) of the Act is Form 1 in Schedule 1, or
- (b) under section 19 (1) (b) or 19 (1) (c) of the Act is Form S1 in Schedule 1, or
- (c) under section 19 (2) (a) of the Act is Form 2 in Schedule 1, or
- (d) under section 19 (2) (b) or 19 (2) (c) of the Act is Form S2 in Schedule 1.

### **5 Information in support of application**

An application under section 19 of the Act must be accompanied by:

- (a) in the case of an application under section 19 (1) (a):
  - (i) a certificate or report relating to the injury that is the subject of the application given by a legally qualified medical practitioner concerning the examination of the applicant, the applicant's condition, the history of the injury as provided by the applicant and, if relevant, the degree of loss sustained by the applicant in the opinion of that practitioner, and
  - (ii) a statement by the secretary or another official of the sporting organisation or member organisation to which the applicant belonged when the injury occurred outlining all details known to the secretary or the official of the occurrence that led to the injury, and confirming, from an examination of the organisation's records, that the applicant was registered as a player with the organisation at the time of the injury, and
  - (iii) a statement from at least one witness to the injury concerning the cause of the injury, or

- (b) in the case of an application under section 19 (1) (b):
  - (i) a certificate or report relating to the injury that is the subject of the application given by a legally qualified medical practitioner concerning the examination of the applicant, the applicant's condition, the history of the injury as provided by the applicant and, if relevant, the degree of loss sustained by the applicant in the opinion of that practitioner, and
  - (ii) a statement from the school principal or another official of the school at which the applicant was an enrolled player when the injury occurred outlining all details known to the principal or other official of the occurrence that led to the injury, and confirming that the applicant was participating in an authorised activity of the school at the time of the injury, and
  - (iii) a statement from at least one witness to the injury concerning the cause of the injury, or
- (c) in the case of an application under section 19 (1) (c):
  - (i) a certificate or report relating to the injury that is the subject of the application given by a legally qualified medical Practitioner concerning the examination of the applicant, the applicant's condition, the history of the injury as provided by the applicant and, if relevant, the degree of loss sustained by the applicant in the opinion of that practitioner, and
  - (ii) a statement by an officer of the Department outlining all details known to the officer of the occurrence that led to the injury, and confirming that the applicant was an enrolled participant in an authorised activity of the Department at the time of the injury, and
  - (iii) a statement from at least one witness to the injury concerning the cause of injury, or

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Part 2 Applications

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- (d) in the case of an application under section 19 (2) (a):
  - (i) if a death certificate has been issued with respect to the death of the person concerned, a copy of that certificate, and
  - (ii) if a post mortem examination has been conducted with respect to the death, a copy of the report of the examination, and
  - (iii) a statement by the secretary or another official of the sporting organisation or, member organisation to which the deceased belonged when the injury that resulted in the death occurred outlining all details known to the secretary or other official of the occurrence that led to the injury, and confirming, from an examination of the organisation's records, that the deceased was registered as a player with the organisation at the time of the injury, and
  - (iv) a statement from at least one witness to the injury concerning the cause of the injury, or
- (e) in the case of an application under section 19 (2) (b):
  - (i) if a death certificate has been issued with respect to the death of the person concerned, a copy of that certificate, and
  - (ii) if a post mortem examination has been conducted with respect to the death, a copy of the report of the examination, and
  - (iii) a statement from the school principal or another official of the school at which the deceased was an enrolled player when the injury that resulted in the death occurred outlining all details known to the principal or other official of the occurrence that led to the injury, and confirming that the deceased was participating in an authorised activity of the school as an enrolled player at the time of the injury, and
  - (iv) a statement from at least one witness to the injury concerning the cause of the injury, or

- (f) in the case of an application under section 19 (2) (c):
  - (i) if a death certificate has been issued with respect to the death of the person concerned, a copy of that certificate, and
  - (ii) if a post mortem examination has been conducted with respect to the death, a copy of the report of the examination, and
  - (iii) a statement from an officer of the Department outlining all details known to the officer of the occurrence that led to the injury, and confirming that the deceased was participating in an authorised activity of the Department as an enrolled participant at the time of the injury, and
  - (iv) a statement from at least one witness to the injury concerning the cause of the injury.

## **6 Lodging of applications**

An application under section 19 of the Act is to be lodged at the office of the Executive Officer to the Sporting Injuries Committee situated at Level 5, 447 Kent Street, Sydney.

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Clause 7 Sporting Injuries Insurance Rule 1997

Part 3 Authorised activities and registered players

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**Part 3 Authorised activities and registered players**

**7 Specification of authorised activities**

The authorised activities of sporting organisations are:

- (a) any game or match involving 2 teams organised by a sporting organisation, a member organisation of the sporting organisation or any other organisation of which the sporting organisation is a member, and any training or practice for such game or match, that takes place within a period in respect of which a premium has been paid by the sporting organisation to the Committee under Part 4 of the Act, or
- (b) any sporting or athletic contest involving 2 or more participants that is organised by a sporting organisation, a member organisation of the sporting organisation or any other organisation of which the sporting organisation is a member, and any training or practice for such sporting or athletic contest, that takes place within a period in respect of which a premium has been paid by the sporting organisation to the Committee under Part 4 of the Act.

**8 Persons to be treated as registered players**

- (1) In this clause, a reference to a sporting or athletic activity, in relation to a sporting organisation, is a reference to an activity in respect of which the organisation is, for the time being, declared under section 5 of the Act and includes a reference to an activity of a kind that is carried on in connection with or in relation to that activity.
- (2) A person is to be treated, for the purposes of the Act, as a registered player of a sporting organisation with respect to a sporting or athletic activity at a particular time if:
  - (a) the person is registered, at that time and with respect to the activity, with the sporting organisation, or
  - (b) the person is registered, at that time and with respect to the activity, with a member organisation of the sporting organisation and the person's name:



- (i) has been submitted to the Committee by, or with the concurrence of, the sporting organisation, and
- (ii) has been recorded by the Committee,

for the purpose of the person's being treated as a registered player of the sporting organisation at that time and in respect of that activity.

### **9 Retrospective determinations by Committee**

Despite clauses 7 and 8, the Committee may determine that:

- (a) an activity of a kind described by it is, for the purposes of the Act, to be deemed to be an authorised activity of a sporting organisation specified by the Committee for a period so specified, which period may have wholly or partly occurred before the date of the determination, or
- (b) a person who was not a registered player of a sporting organisation at a time or during a period before the determination is made is to be treated as a registered player of the organisation at that time or during that period.

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Clause 10      Sporting Injuries Insurance Rule 1997

Part 4          Miscellaneous

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**Part 4      Miscellaneous**

**10   Committee may reimburse applicant for certain costs**

The Committee may reimburse an applicant for benefits under section 19 of the Act for some or all of the costs incurred in connection with the supply of a certificate or report for the purposes of clause 5 (a) (i), (b) (i), (c) (i), (d) (i) or (ii), (e) (i) or (ii) or (f) (i) or (ii).

**11   Repeal**

- (1)   The *Sporting Injuries Insurance Rules 1981* are repealed.
  - (2)   Any act, matter or thing that was done for the purposes of or, immediately before the repeal of the *Sporting Injuries Insurance Rules 1981*, had effect under those Rules is taken to have been done for the purposes of or to have effect under this Rule.
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## Schedule 1 Forms

**Form 1**

(Clause 4 (a))

**Sporting Injuries Insurance Scheme****New South Wales**

Application for injury benefits by a registered player.

<p>1. State—</p> <p>(a) Full name:</p> <p>(b) Address</p> <p>(c) Phone no:</p> <p>(d) Date and year of birth:</p> <p>(e) Marital status:</p> <p>(f) Number and ages of dependent children, if any:</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(e)</p> <p>(f)</p>
<p>2 State the name of sporting organisation or club in which you were registered when the injury occurred:</p>	
<p>3 Provide particulars of the time, date and place of injury and manner in which injury was received (including details of event participated in):</p>	
<p>4 If the incident in which the injury occurred was witnessed by other persons, state the names and addresses of 2 of those persons:</p> <p>(Attach a statement by a witness as to how the injury occurred—see clause 5 (a) (iii))</p>	<p>(a)</p> <p>(b)</p>
<p>5 Specify the nature of the injury:</p>	

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Schedule 1 Forms

<p>6. State names and addresses of attending or treating doctors:</p> <p>(Attach the original or a photocopy of each medical certificate or report obtained with respect to the injury—see clause 5 (a) (i))</p>	
<p>7. State—</p> <p>(a) full name and office held by the official of the sporting organisation to whom the injury was first reported:</p> <p>(b) time and date the injury was first reported:</p> <p>(Attach a statement by an official confirming applicant was registered as a player at the time of injury—see clause 5 (a) (ii))</p>	<p>(a)</p> <p>(b)</p>

*This information is required for statistical purposes only*

1. What was the total and type of expenses incurred?  
.....  

(medical, hospital, dental etc)
2. Was any special treatment required (such as physiotherapy, supply of splints or crutches, repair of dentures etc?)  
.....  
.....
3. What was the cost of the special treatment?  
.....
4. What was the cost of medical reports? (These may be reimbursed—attach original receipts.)  
.....  
.....

Accurate and complete particulars must be provided as required by this form and the *Sporting Injuries Insurance Rule 1997* or the application may be rejected.

Sporting Injuries Insurance Rule 1997

Forms

Schedule 1

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(If the spaces on the form are insufficient, attach additional pages of particulars.)

**All particulars provided by me in, or in any attachment to, this application are true.**

.....

Signature of Applicant

Date: / /19

**Note: The *Sporting Injuries Insurance Act 1978* provides a penalty for a false or misleading statement made in, or in connection with, this application.**

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### Sporting Injuries Insurance Rule 1997

Schedule 1      Forms

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#### Form S1

(Clause 4 (b))

#### Supplementary Sporting Injuries Scheme

#### New South Wales

Application for injury benefits by a school child or participant in an authorised activity of the Department of Sport and Recreation.

1. State-- (a) Full name: (b) Address: (c) Phone no: (d) Date and year of birth: (e) Marital status: (f) Number and ages of dependent children, if any:	(a) (b) (c) (d) (e) (f)
2. State the name of school or Department at which you were enrolled when the injury occurred:	
3. Provide particulars of the time, date and place of injury and manner in which injury was received (including details of event participated in):	
4. If the incident in which the injury occurred was witnessed by other persons, state the names and addresses of 2 of those persons:  (Attach a statement as to how the injury occurred signed by at least one witness — see clause 5 (b) (iii) or (c) (iii))	(a)  (b)
5. Specify the nature of the injury:	

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<p>6. State names and addresses of attending or treating doctors:</p> <p>(Attach the original or a photocopy of each medical certificate or report obtained with respect to the injury— see clause 5 (b) (i) or (c) (i))</p>	
<p>7. State—</p> <p>(a) full name and office held by the official of the school or Department to whom the injury was first reported:</p> <p>(b) time and date the injury was first reported:</p> <p>(Attach a statement by an official confirming applicant was enrolled as a player or participant at the time of injury— see clause 5 (b) (ii) or (c) (ii))</p>	<p>(a)</p> <p>(b)</p>

***This information is required for statistical purposes only***

1. What was the total and type of expenses incurred?  
 .....  
 (medical, hospital, dental etc)
2. Was any special treatment required (such as physiotherapy, supply of splints or crutches, repair of dentures etc?)  
 .....  
 .....
3. What was the cost of the special treatment?  
 .....
4. What was the cost of medical reports? (These may be reimbursed—attach original receipts.)  
 .....  
 .....

**Accurate and complete particulars must be provided as required by this form and the *Sporting Injuries Insurance Rule 1997* or the application may be rejected.**

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Schedule 1      Forms

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(If the spaces on the form are insufficient, attach additional pages of particulars.)

**All particulars provided by me in, or in any attachment to, this application are true.**

.....

Signature of Applicant

Date:    /    /19

**Note: The *Sporting Injuries Insurance Act 1978* provides a penalty for a false or misleading statement made in, or in connection with, this application.**



**Form 2**

(Clause 4 (c))

**Sporting Injuries Insurance Scheme**

**New South Wales**

Application for death benefits for a deceased player.

<p>1. State—</p> <p>(a) Name of applicant:</p> <p>(b) Relationship to deceased:</p> <p>(c) Address:</p> <p>(d) Phone no:</p> <p>(e) Name of deceased:</p> <p>(f) Date and year of birth of deceased:</p> <p>(g) Marital status of deceased</p> <p>(h) Number and ages of dependent children, if any:</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(e)</p> <p>(f)</p> <p>(g)</p> <p>(h)</p>
<p>2 State the name of sporting organisation or club in which the player was registered when the injury resulting in death occurred:</p>	
<p>3 Provide particulars of the time, date and place of injury and manner in which injury was received (including details of event participated in):</p>	
<p>4 If the incident in which the injury occurred was witnessed by other persons, state the names and addresses of 2 of those persons:</p> <p>(Attach a statement by a witness as to how the injury occurred—see clause 5 (d) (iv))</p>	<p>(a)</p> <p>(b)</p>

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<p>5. State names and addresses of doctors certifying death or conducting post mortem examination:</p> <p>(Attach the original or a photocopy of the death certificate and of each medical certificate or report obtained with respect to the injury and death—see clause 5 (d) (i) and (ii))</p>	
<p>6. State—</p> <p>(a) full name and office held by the official of the sporting organisation to whom the injury was first reported:</p> <p>(b) time and date the injury was first reported:</p> <p>(Attach a statement by an official confirming deceased was registered as a player at the time of injury—see clause 5 (d) (iii))</p>	<p>(a)</p> <p>(b)</p>

***This information is required for statistical purposes only***

1. What was the total and type of expenses incurred?

.....  
(medical, hospital, dental etc)

2. Was any special treatment required (such as physiotherapy, supply of splints or crutches, repair of dentures etc?)

.....  
.....

3. What was the cost of the special treatment?

.....

Unless death occurred immediately or shortly following injury, the information referred to above should be provided (if available) by the person making the application for benefits. In any case, the following question should be answered:

What was the total of the funeral expenses?

.....

**Accurate and complete particulars must be provided as required by this form and the *Sporting Injuries Insurance Rule 1997* or the application may be rejected.**

(If the spaces on the form are insufficient, attach additional pages of particulars.)

**All particulars provided by me in, or in any attachment to, this application are true.**

.....

Signature of Applicant

Date: / /19

**Note: The *Sporting Injuries Insurance Act 1978* provides a penalty for a false or misleading statement made in, or in connection with, this application.**

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Schedule 1      Forms

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**Form S2**

(Clause 4 (d))

**Supplementary Sporting Injuries Insurance Scheme**

**New South Wales**

Application for death benefits for a deceased person participating in a school activity or an authorised activity of the Department of Sport and Recreation.

<p>1. State—</p> <p>(a) Name of applicant:</p> <p>(b) Relationship to deceased:</p> <p>(c) Address:</p> <p>(d) Phone no:</p> <p>(e) Name of deceased:</p> <p>(f) Date and year of birth of deceased:</p> <p>(g) Marital status of deceased</p> <p>(h) Number and ages of dependent children, if any:</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(e)</p> <p>(f)</p> <p>(g)</p> <p>(h)</p>
<p>2 State the name of school or Department at which player or participant was enrolled when the injury resulting in death occurred:</p>	
<p>3 Provide particulars of the time, date and place of injury and manner in which injury was received (including details of event participated in):</p>	
<p>4 If the incident in which the injury occurred was witnessed by other persons, state the names and addresses of 2 of those persons:</p> <p>(Attach a statement by a witness as to how the injury occurred signed by at least one witness— see clause 5 (e) (iv) or (f) (iv))</p>	<p>(a)</p> <p>(b)</p>

<p>5. State names and addresses of doctors certifying death or conducting post mortem examination:</p> <p>(Attach the original or a photocopy of the death certificate and of each medical certificate or report obtained with respect to the injury and death — see clause 5 (e) (i) and (ii) or (f) (i) and (ii))</p>	
<p>5 State—</p> <p>(a) full name and office held by the official of the school or Department to whom the injury was first reported:</p> <p>(b) time and date the injury was first reported:</p> <p>(Attach a statement by an official confirming deceased was enrolled as a player or participant at the time of injury — see clause 5 (e) (iii) or (f) (iii))</p>	<p>(a)</p> <p>(b)</p>

***This information is required for statistical purposes only***

1. What was the total and type of expenses incurred?

.....  
 (medical, hospital, dental etc)

2. Was any special treatment required (such as physiotherapy, supply of splints or crutches, repair of dentures etc?)

.....  
 .....

3. What was the cost of the special treatment?

.....

Unless death occurred immediately or shortly following injury, the information referred to above should be provided (if available) by the person making the application for benefits. In any case, the following question should be answered:

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What was the total of the funeral expenses?

.....  
**Accurate and complete particulars must be provided as required by this form and the *Sporting Injuries Insurance Rule 1997* or the application may be rejected.**

(If the spaces on the form are insufficient, attach additional pages of particulars.)

**All particulars provided by me in, or in any attachment to, this application are true.**

.....  
Signature of Applicant

Date: / /19

**Note: The *Sporting Injuries Insurance Act 1978* provides a penalty for a false or misleading statement made in, or in connection with, this application.**