



Sporting Injuries Insurance Amendment Rule 2003

under the

Sporting Injuries Insurance Act 1978

Her Excellency the Governor, with the advice of the Executive Council, and in pursuance of the *Sporting Injuries Insurance Act 1978*, has been pleased to approve the following Rule made by the Sporting Injuries Committee.

JOHN DELLA BOSCA, M.L.C.,

Minister for Industrial Relations

The Sporting Injuries Committee, in pursuance of the *Sporting Injuries Insurance Act 1978*, makes the following Rule set out after the Explanatory note.

Explanatory note

The object of this Rule is to make the following amendments to the *Sporting Injuries Insurance Rule 1997*:

- (a) to set out the activities that constitute an **authorised activity** of a school or of the Department of Tourism, Sport and Recreation for the purposes of the *Sporting Injuries Insurance Act 1978*,
- (b) to set out the classes of persons who are to be treated as **enrolled student participants** of a school, or **enrolled participants** of the Department,
- (c) to set out requirements for the notification of a serious injury or death to the Sporting Injuries Committee and the form for notifying such an injury or death.

This Rule is made under the *Sporting Injuries Insurance Act 1978*, including sections 4 (1) (the definitions of **authorised activity**, **enrolled participant** and **enrolled student participant**), 20 (1) (a) and 31 (the general rule-making power).

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Clause 1 Sporting Injuries Insurance Amendment Rule 2003

Sporting Injuries Insurance Amendment Rule 2003

under the

Sporting Injuries Insurance Act 1978

1 Name of Rule

This Rule is the *Sporting Injuries Insurance Amendment Rule 2003*.

2 Amendment of Sporting Injuries Insurance Rule 1997

The *Sporting Injuries Insurance Rule 1997* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Insert in alphabetical order:

serious injury means an injury that is, or may be capable of being, a compensable injury.

[2] Part 1A

Insert after Part 1:

Part 1A Notice of serious injury or death

3A Prescribed organisation to notify Committee of serious injury or death

- (1) This clause applies if a prescribed organisation becomes aware that a person who is a registered participant, enrolled participant or enrolled student participant of the prescribed organisation has suffered a serious injury, or has died as a consequence of having suffered an injury, while participating in an authorised activity of the prescribed organisation.
- (2) The prescribed organisation must notify the Committee of the serious injury or death as soon as practicable after becoming aware of the serious injury or death, and in any case within 12 months after becoming aware of the serious injury or death.
- (3) The notice is to be in the form of Form 3 in Schedule 1.

3B Injured person or legal personal representative to notify Committee of serious injury or death

- (1) A person who is a registered participant, enrolled participant or enrolled student participant of a prescribed organisation and who suffers a serious injury while participating in an authorised activity of the prescribed organisation must notify the Committee of the injury as soon as practicable after becoming aware of the injury, and in any case within 12 months after becoming aware of the injury.

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Schedule 1 Amendments

- (2) The legal personal representative of a person who was a registered participant, enrolled participant or enrolled student participant of a prescribed organisation and who died as a consequence of having suffered an injury while participating in an authorised activity of the prescribed organisation must notify the Committee of the death as soon as practicable after the death, and in any case within 12 months after the death.
- (3) The notice is to be in the form of Form 3 in Schedule 1.
- (4) A person, or the legal personal representative of a person, is not required to give notice of a serious injury or death to the Committee under this clause if the person or legal personal representative reasonably believes that the prescribed organisation has notified the Committee of the serious injury or death.

[3] Clause 6 Lodging of applications

Omit “Level 5, 447 Kent Street, Sydney”.

Insert instead “Level 4, 92–100 Donnison Street, Gosford”.

[4] Part 3, heading

Insert “**or enrolled**” after “**registered**”.

[5] Clause 7 Specification of authorised activities

Insert at the end of the clause:

- (2) The authorised activities of a school are any sporting or athletic activity operated or approved by the school.
- (3) The authorised activities of the Department are any sporting or athletic activity or program operated or approved by the Department.

[6] Clause 8, heading

Insert “**of sporting organisations**” after “**participants**”.

[7] Clauses 8A and 8B

Insert after clause 8:

8A Persons to be treated as enrolled student participants of schools

- (1) A person is to be treated, for the purposes of the Act, as an enrolled student participant of a school with respect to a sporting or athletic activity at a particular time if the school principal (however described) determines that the person was an enrolled student participant of the school with respect to the activity at that time.
- (2) Such a determination is to be made by a certificate to the Committee in writing signed by the school principal.

8B Persons to be treated as enrolled participants of Department

- (1) A person is to be treated, for the purposes of the Act, as an enrolled participant of the Department with respect to a sporting or athletic activity or program at a particular time if an authorised officer of the Department determines that the person was an enrolled participant of the Department with respect to the activity or program at that time.
- (2) Such a determination is to be made by a certificate to the Committee in writing signed by the authorised officer.
- (3) In this clause:
authorised officer means an officer of the Department authorised by the Director-General of the Department for the purposes of this clause.

[8] Schedule 1 Forms

Omit “Department of Sport and Recreation” from Forms S1 and S2 wherever occurring.

Insert instead “Department of Tourism, Sport and Recreation”.

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Schedule 1 Amendments

[9] Schedule 1

Insert after Form S2:

Form 3

(Clauses 3A and 3B)

Sporting Injuries Insurance Scheme

New South Wales

Notice of serious injury or death

To be completed by an official representative of the prescribed organisation, or the injured person, or the legal personal representative of the deceased person, in all cases of incidents involving serious injury or death that could result in a claim on the Scheme.

Minor injuries such as sprains, abrasions, cuts, bruises and dental injuries need not be notified.

1 Please indicate, by circling (a) or (b), whether this form is for:

- (a) a serious injury, or
- (b) a death.

2 State—

- (a) Full name of injured or deceased person:
- (b) Address of injured or deceased person:
- (c) Date and year of birth of injured or deceased person:

- 3 State name of the prescribed organisation with whom the injured or deceased person was a participant at the time of the incident:

- 4 Provide particulars of the time, date and place of the incident and the activity participated in:

- 5 Provide details of the injury received:

- 6 State the name and address of the attending or treating doctor or doctor certifying death:

.....

Signature of injured person or legal personal representative of deceased person

Date

.....

Full name, position and signature of official representative of the prescribed organisation notifying the incident

Date

Note. This form is to be lodged with the Sporting Injuries Committee as soon as possible after the incident.