



Sporting Injuries Insurance Regulation 2004

under the

Sporting Injuries Insurance Act 1978

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sporting Injuries Insurance Act 1978*.

FRANK ERNEST SARTOR, M.P.,
Minister for Industrial Relations

Explanatory note

The object of this Regulation is to remake, without any changes in substance, the provisions of the *Sporting Injuries Insurance Regulation 1999*, which will be repealed on 1 September 2004 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The new Regulation contains provisions with respect to the following matters:

- (a) interest rates chargeable under section 11A (6) (b) of the Act (clause 4),
- (b) the funeral expenses payable under section 27 (1) of the Act (clause 5),
- (c) compensation payable under Table A in Schedule 1 to the Act (clause 6).

This Regulation is made under the *Sporting Injuries Insurance Act 1978*, including the sections referred to above and section 30 (the general regulation-making power).

Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definitions and notes	3
4 Prescribed interest rate: section 11A	3
5 Funeral expenses: section 27	3
6 Prescribed percentage of loss: Table A	4
7 Saving	4

Sporting Injuries Insurance Regulation 2004

under the

Sporting Injuries Insurance Act 1978

1 Name of Regulation

This Regulation is the *Sporting Injuries Insurance Regulation 2004*.

2 Commencement

This Regulation commences on 1 September 2004.

Note. This Regulation replaces the *Sporting Injuries Insurance Regulation 1999* which is repealed on 1 September 2004 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions and notes

- (1) In this Regulation:
the Act means the *Sporting Injuries Insurance Act 1978*.
- (2) Notes included in this Regulation do not form part of this Regulation.

4 Prescribed interest rate: section 11A

- (1) The object of this clause is to fix the rate at which interest is payable to the Sporting Injuries Fund on money transferred from that Fund to the Supplementary Sporting Injuries Fund under section 11A of the Act.
- (2) The rate of interest prescribed for the purposes of section 11A (6) (b) of the Act is the rate for the time being prescribed under section 95 (1) of the *Supreme Court Act 1970* for payment of interest on a judgment debt.

5 Funeral expenses: section 27

- (1) The object of this clause is to fix the maximum amount payable under section 27 of the Act in relation to the funeral expenses of a person who dies as a consequence of a sporting injury.
- (2) The prescribed amount for the purposes of section 27 (3) of the Act is \$4,560.
- (3) When subclause (2) is amended by altering the amount prescribed by that subclause, the amount applicable as the prescribed amount before the commencement of the amendment continues to apply to an

2004 No 604

Clause 6 Sporting Injuries Insurance Regulation 2004

application for payment of the funeral expenses of a person who died as a consequence of an injury suffered while participating in an authorised activity before the commencement of the amendment.

6 Prescribed percentage of loss: Table A

- (1) The object of this clause is to fix the minimum percentage permanent loss that must be suffered by a person before the injury giving rise to that loss becomes compensable under the Act.
- (2) For the purposes of Table A in Schedule 1 to the Act:
 - (a) 33 per cent is the prescribed percentage for paragraph (a) of Part 1 and paragraph (a) of Part 2, in the case of the permanent loss of the use of the whole, or of the greater part, of either arm or either leg, and
 - (b) 11 per cent is the prescribed percentage for item 1 of Part 4, in the case of permanent loss of hearing in both ears, and
 - (c) 50 per cent is the prescribed percentage in all other cases.

7 Saving

Any act, matter or thing that, immediately before the repeal of the *Sporting Injuries Insurance Regulation 1999*, had effect under that Regulation continues to have effect under this Regulation.

BY AUTHORITY
