

Sporting Injuries Insurance Rule 1997

[1997-481]



New South Wales

Status Information

Currency of version

Current version for 7 May 2004 to date (accessed 18 July 2024 at 3:25)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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File last modified 7 May 2004

Sporting Injuries Insurance Rule 1997



New South Wales

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Sporting Injuries Insurance Rule 1997



New South Wales

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.

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

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

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.
- (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.

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 participant 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 student participant 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
- (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 participant 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 student participant 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 student 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, 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 4, 92–100 Donnison Street, Gosford.

Part 3 Authorised activities and registered or enrolled participants

7 Specification of authorised activities

- (1) 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.
- (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.

8 Persons to be treated as registered participants of sporting organisations

- (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 participant 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 participant of the sporting organisation at that time and in respect of that activity.

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.

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 participant of a sporting organisation at a time or during a period before the determination is made is to be treated as a registered participant of the organisation at that time or during that period.

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.

Schedule 1 Forms

Form 1

(Clause 4 (a))

Sporting Injuries Insurance Scheme

New South Wales

Application for injury benefits by a registered participant.

<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>(a)</p>

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

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.

(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 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 Tourism, Sport and Recreation.

<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 school or Department at which you were enrolled 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 as to how the injury occurred signed by at least one witness—see clause 5 (b) (iii) or (c) (iii))</p>	<p>(a)</p> <p>(b)</p>
<p>5. Specify the nature of the injury:</p>	
<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 participant at the time of injury—see clause 5 (b) (ii) or (c) (ii))</p>	<p>(a)</p> <p>(b)</p>
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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.

(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 participant.

1. State—

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(a) Name of applicant:	(a)
(b) Relationship to deceased	(b)
(c) Address:	(c)
(d) Phone no:	(d)
(e) Name of deceased:	(e)
(f) Date and year of birth of deceased:	(f)
(g) Marital status of deceased:	(g)
(h) Number and ages of dependent children, if any:	(h)
2. State the name of sporting organisation or club in which the participant was registered when the injury resulting in death 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 by a witness as to how the injury occurred—see clause 5 (d) (iv))	(a) (b)
5. State names and addresses of doctors certifying death or conducting post mortem examination: (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))	
6. State—	
(a) full name and office held by the official of the sporting organisation to whom the injury was first reported:	(a)
(b) time and date the injury was first reported:	(b)

(Attach a statement by an official confirming deceased was registered as a participant at the time of injury—see clause 5 (d) (iii))

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.

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 Tourism, Sport and Recreation.

1. State—

(a) Name of applicant:

(a)

(b) Relationship to deceased:

(b)

(c) Address:	(c)
(d) Phone no:	(d)
(e) Name of deceased:	(e)
(f) Date and year of birth of deceased:	(f)
(g) Marital status of deceased	(g)
(h) Number and ages of dependent children, if any:	(h)
2. State the name of school or Department at which participant was enrolled when the injury resulting in death 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 by a witness as to how the injury occurred signed by at least one witness—see clause 5 (e) (iv) or (f) (iv))	(a) (b)
5. State names and addresses of doctors certifying death or conducting post mortem examination: (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))	
6. State— (a) full name and office held by the official of the school or Department to whom the injury was first reported: (b) time and date the injury was first reported: (Attach a statement by an official confirming deceased was enrolled as a participant at the time of injury—see clause 5 (e) (iii) or (f) (iii))	(a) (b)

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.

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.

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

(a) a serious injury, or

1

(b) a death.

State—

(a) Full name of injured or deceased person:

2 (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.