

NSW Sporting Injuries Committee Handbook

*A Guide to the NSW
Sporting Injuries
Committee and
the Schemes it manages
under the
Sporting Injuries
Insurance Act 1978*



NSW SPORTING INJURIES
COMMITTEE



NEW SOUTH WALES GOVERNMENT

Our mission is –

To reduce the personal impact of injuries in sport through the support of appropriate preventative initiatives; to reduce the financial impact of injuries in sport through the provision of affordable, statute based serious injuries insurance.

Please note that the handbook should not be treated as a substitute for reference to the legislation in relation to specific claims and the payment of benefits.

The Committee recommends that anyone playing or involved in sport also has private health insurance.

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The NSW Sporting Injuries Committee is a non-profit statutory organisation established in 1978 to provide affordable insurance and to promote safe sport practices to the New South Wales sporting community.

The Committee and its operations are unique to New South Wales.

Constitution

The Committee is a corporation constituted under the *Sporting Injuries Insurance Act 1978*. It consists of a Chairperson and six other members. The Chairperson is the Chief Executive Officer of the WorkCover Authority of New South Wales. The remaining members are the nominees of the Minister for Industrial Relations, Minister for Education and the Minister for Sport and Recreation. Appointments are made by the Governor for a period up to three years.

Function

The Committee's function is to administer four schemes:

- **Sporting Injuries Insurance Scheme** – *offers affordable sporting injuries insurance for New South Wales sporting organisations*
- **Supplementary Sporting Injuries Benefits Scheme** – *provides free sporting injuries insurance to New South Wales school children and participants of certain programs of NSW Sport and Recreation*
- **NSW Sports Safety Awards Scheme** – *presents awards for outstanding achievement in the research, promotion and implementation of safe sport practices*
- **Research and Injury Prevention Scheme** – *grants research funding to sports injury prevention projects*

SPORTING INJURIES INSURANCE SCHEME

The Sporting Injuries Insurance Scheme was established in 1978 by the State Government. The Scheme was created to provide reasonable levels of compensation to people who were seriously injured while participating in a sporting activity.

The Scheme is open for membership to all sporting organisations operating within New South Wales.

The Scheme is non-profit and derives its funding from premiums paid by member organisations. All monies other than administrative costs and safe sport initiatives are directed towards the benefits provided by the Scheme.

Summary of the Cover Provided

The Scheme's cover provides for a lump sum benefit to be paid to a registered participant of a declared sporting organisation who, while participating in an authorised activity or sporting event, suffers death or a permanent disability of a certain kind.

Payment is made regardless of pre-existing conditions or negligence.

The insurance provided by the Scheme can be used to complement a sporting organisation's existing comprehensive player accident insurance or an individual's private health insurance.

Who Can Be Covered?

Cover is provided for registered participants of member sporting organisations. Participants may be registered players, competitors, coaches, referees, umpires, judges, marshals, timekeepers, etc.

The Scheme's concept is that of group cover. Group cover does not require the details of registered participants but the number of individual participants only. In the event of a claim by an injured participant, evidence that the person belonged to the sporting organisation and is covered under the policy is required.

An entitlement to apply for a benefit arises as a consequence of membership of a participating organisation. Therefore, an adequate system of records enabling ready identification of insured persons and verification of the numbers of participants is required to be maintained.

Extent of Cover

Cover is provided during authorised activities of a sporting organisation such as:

- All normal competition matches, sporting events and fixtures;
- Trial events; and
- Organised and supervised practice and training sessions (minimum of 2 participants).

The extent of the cover is determined by the Committee in consultation with the sporting body taking into consideration the aspect of supervision and control of the sporting organisation over the sporting or athletic activity.

Events conducted outside NSW including overseas may also be covered, however, these events must be sanctioned by the organisation/governing body and agreed to be covered by the Committee.

How Is Cover Obtained?

The Scheme is a group insurance plan covering participants of sporting organisations that have elected to join.

Cover is obtained by completing an application form for membership and the organisation becoming a declared sporting organisation approved by the Committee under the *Sporting Injuries Insurance Act 1978*.

Any sporting or athletic organisation can apply for membership of the Scheme.

The Scheme is voluntary to join but once a parent organisation/governing body has decided to participate and has been approved, the Committee expects that all of an organisation's constituent or member bodies or groups and all of the individual participants registered with the organisation will be included in its participation.

What Does It Cost?

The Scheme is contributory and premiums are charged on an annual basis. As it is the organisation rather than individuals that join, the premiums are charged to the participating organisation. The amount charged is based on the number of individual participants the organisation contains or represents.

The Committee is empowered to determine the premium rates applicable to a particular sporting activity or organisation and at all times endeavours to ensure that they are fair and reasonable.

Premium rates are determined according to the assessed risk of injury associated with the particular sport.

Policy Document

There is no formal policy document or certificate of currency as the Scheme operates under State Government legislation.

Upon becoming a member of the Scheme an organisation will be provided with a premium notice and information regarding their cover.

Workers Compensation Exemption

Participation in the Scheme means that a registered participant of a declared sporting organisation is not deemed to be a "worker" under the NSW Workers Compensation Legislation while:

- Participating in an authorised activity of that organisation;
- Engaged in training or preparing with a view to participating in an authorised activity; or
- Engaged on a journey in connection with participation or training.

However a member of a declared sporting organisation may still be a worker under a contract of service for the club for activities that are unrelated to the organisation's authorised activities or if, under the contract with the organisation that governs the person's participation in the authorised sporting activities the person is entitled to remuneration for activities outside the scope of those activities.

It is recommended a sporting organisation seeks its own legal advice in this regard.

Type of Cover

The Scheme provides cover for serious injuries (permanent loss of use) and death insurance for participants of member sporting organisations.

A lump sum benefit is payable to a registered participant of a declared sporting organisation who, while participating in an authorised activity or sporting event, suffers a permanent disability of a certain kind.

Injuries covered by the Scheme are listed under Table A and Table B of the *Sporting Injuries Insurance Act 1978*.

Types of injuries include permanent loss of use of arms, legs, sight, hearing, smell, taste and mental capacity.

Minimum disability thresholds apply for most injuries in order to receive a benefit.

A full list of injuries covered and the minimum disability thresholds can be found on the Committee's website www.sportinginjuries.nsw.gov.au or by contacting the office.

What Is Not Covered

The Scheme does not provide for the following:

- Injuries incurred during activities that are not classified as authorised activities by the sporting organisation and the Committee.
- Injuries incurred while travelling to and from an event
- Minor injuries including breaks, sprains, abrasions, cuts and bruises
- Dental injuries
- Reimbursement of medical expenses
- Claim for loss of wages
- Legal expenses or costs

What Benefits Are Payable?

- Lump sum benefits are payable for permanent disability (permanent loss of use) of a certain kind and for death.
- Minimum disability thresholds apply for most injuries in order to receive a benefit.
- Benefits for participants under 18 years of age will be paid to the Public Trustee.
- The Scheme also provides a benefit where a registered participant of a declared sporting organisation dies as a consequence of an injury while participating in an authorised activity. Payment will only be made to the legal personal representative of the deceased.

- In the event of a fatality to a participant under 18 years of age, no benefit is paid, however funeral expenses to a certain amount are payable.
- A full list of benefits can be found on the Committee's website www.sportinginjuries.nsw.gov.au or by contacting the office.

Benefits Payable In The Event of a Fatality

The Scheme provides a benefit where a registered participant of a declared sporting organisation dies as a consequence of an injury while participating in an authorised activity.

Payment will only be made to the legal personal representative. The legal personal representative may be the next of kin, however, a Grant of Probate or Letters of Administration must appoint that person. Claims will not be processed without this authorisation.

Lump sum benefits are payable and the amount depends on whether the deceased participant had dependents.

For participants under the age of 18, no benefit is paid, however, funeral expenses to a certain amount are payable.

When To Notify of an Injury or Make a Claim

The Committee is required to be notified if a participant has been seriously injured and has been treated in hospital. Injuries such as dislocations, breaks and fractures should be reported as these injuries may develop into a permanent disability.

Please do not report minor injuries including sprains, bruises or cuts or dental injuries.

If you are unsure whether to report the injury then please telephone the Committee to clarify the situation.

Notification must be made within 12 months of the date of injury or your claim may be declined.

What Should You Do If You Are Injured?

- Report the injury to an official of your sporting organisation as soon as possible.
- Confirm that you are a member of the Sporting Injuries Insurance Scheme and that your injury occurred during an authorised activity.
- You must notify the Committee of your injury within 12 months from the date of injury by completing the **Serious Injury Notification Form** available from the website or office.
- The Committee will send you an acknowledgement letter and a **Benefit Application Form** once your notification is received.
- Complete and return to the Committee the **Benefit Application Form**. Make sure that your sporting organisation supports the information contained in the form.
- Forward as much information as possible with the completed form including witness statements, medical reports, organisation confirmation statement, etc.

What Should The Club Do If A Participant Is Injured?

- Record the details of the injury and how it occurred.
- Visit the website and download the **Serious Injury Notification Form** and have the injured participant sign the Form.
- Complete and return to us the **Serious Injury Notification Form**.
- Provide a written statement detailing the circumstances surrounding the injury and verifying that the applicant was a registered participant who was injured during an authorised activity.

Advice of an injury must be communicated to the Committee within 12 months of the date of injury.

What Documents Are Required To Process A Claim?

To enable the Committee to process a claim an applicant should provide the following documents:

- Completed **Serious Injury Notification Form**.
- Completed **Benefit Application Form**.
- Statement from an official of the sporting organisation detailing the circumstances surrounding the injury and confirming from their records that the applicant was a registered participant who was injured during an authorised activity.
- Statement from the applicant detailing the circumstances surrounding the injury.
- Statement from at least one witness to the injury describing the circumstances surrounding the injury.
- Medical documents to support the claim, eg. reports, hospital notes, etc.
- Once all treatment and rehabilitation has been completed and the injury is deemed to be stable, a report is required from a qualified medical practitioner detailing the history of the injury. This report must specify the nature and extent (in percentage terms) of the disability suffered as required under the Act and verifies that the disability is permanent and not likely to improve.

What Will The Committee Do?

The Committee will open a file upon receipt of the **Serious Injury Notification Form** or **Benefit Application Form** and let you know what is required to process the claim.

The Claims Manager will initially assess whether the injury is compensable under the Scheme.

Depending on the nature and severity of the injury, the Committee may either pay a benefit or refer an applicant to a formally convened medical panel for examination and recommendation of benefit.

How Long Will It Take For A Claim To Be Processed?

The time for a claim to be finalised depends on the length of time it takes for all treatment and rehabilitation to be completed and for an injury to stabilise to the point where the degree of permanent loss can be assessed.

Once the permanent loss is determined and all the documentation is received by the Committee an application could be finalised within one month of the medical panel assessment.

Do I Need A Solicitor?

It is not necessary to engage a solicitor in order to apply for a benefit under the Scheme, except for death benefits where it is a mandatory requirement to obtain Grant of Probate or Letters of Administration in order to determine the legal personal representative.

This does not prevent an applicant from consulting a solicitor at their own expense. The Scheme does not reimburse legal costs.

The claims and benefits processes are legislated under the Sporting Injuries Insurance Act 1978.

SUPPLEMENTARY SPORTING INJURIES BENEFITS SCHEME

The Supplementary Sporting Injuries Benefits Scheme was established in 1983 by the State Government. The Supplementary Scheme was created to provide free serious injury insurance for all New South Wales school children when they play school authorised sporting or athletic activities and for participants of certain programs run by NSW Sport and Recreation.

Summary of the Cover Provided

The Supplementary Scheme's cover provides for a lump sum benefit to be paid to a NSW school child or participants of certain NSW Sport and Recreation programs who, while participating in an authorised activity suffers death or a permanent disability of a certain kind.

Payment is made regardless of pre-existing conditions or negligence.

Who is Covered

The Supplementary Scheme covers:

- All enrolled NSW school children (government and private) when they are participating in authorised school sporting or athletic activities such as physical education classes, school lessons, carnivals, competitions and training.
- Participants of certain programs run by NSW Sport and Recreation where the participants pay an administrative fee and the event has been specifically sanctioned as an authorised activity of NSW Sport and Recreation.

Type of Cover

The Supplementary Scheme provides cover for serious injuries (permanent loss of use) and death.

Injuries covered by the Supplementary Scheme are listed under Table A and Table B of the *Sporting Injuries Insurance Act 1978*.

Types of injuries include permanent loss of use of arms, legs, sight, hearing, smell, taste and mental capacity.

Minimum disability thresholds apply for most injuries in order to receive a benefit.

A full list of injuries covered and the minimum disability thresholds can be found on the Committee's website www.sportinginjuries.nsw.gov.au or by contacting the office.

What is Not Covered

The Supplementary Scheme does not provide for the following:

- Injuries incurred during activities that are not classified as authorised activities by the School or NSW Sport & Recreation
- Injuries incurred while travelling to and from an event
- Minor injuries including breaks, sprains, abrasions, cuts and bruises
- Dental injuries
- Reimbursement of medical expenses
- Legal expenses or costs

What Benefits Are Payable?

- Lump sum benefits are payable for permanent disability (permanent loss of use) of a certain kind and for death.
- Minimum disability thresholds apply for most injuries in order to receive a benefit.
- Benefits for participants under 18 years of age will be paid to the Public Trustee.
- In the event of a fatality to a participant under 18 years of age, no benefit is paid, however funeral expenses to a certain amount are payable.

A full list of benefits can be found on the Committee's website www.sportinginjuries.nsw.gov.au or by contacting the office.

Please note that where an action for damages for injuries sustained is successful against the State Government any benefit paid under the Supplementary Scheme is required to be refunded to the Committee.

When To Notify of an Injury or Make a Claim

The Committee is required to be notified if a participant has been seriously injured and has been treated in hospital. Injuries such as dislocations, breaks and fractures should be reported as these injuries may develop into a permanent disability.

Please do not report minor injuries including sprains, bruises or cuts or dental injuries.

If you are unsure whether to report the injury then please telephone the Committee to clarify the situation.

Legislation requires that all School Principals (or an official school representative) report all serious injuries or death to the Committee within 12 months of the incident.

How To Notify an Injury

- Notification for serious injury or death is required by completing the **Serious Injury Notification Form** available from the Committee's website.
- The **Serious Injury Notification Form** should be authorised by the school principal (or an official school representative) or a representative of the NSW Sport and Recreation.
- Upon receipt of the **Serious Injury Notification Form** by the Committee an acknowledgement letter will be sent to the injured person along with an **Benefit Application Form**.
- The **Benefit Application Form** completed on behalf of a school child or NSW Sport and Recreation participant must be submitted to the Committee including witness statements, medical reports, confirmation, etc.

What Documents Are Required To Process A Claim?

To enable the Committee to process a claim an applicant should provide the following documents:

- Completed **Serious Injury Notification Form**
- Completed **Benefit Application Form** on behalf of a school child or by a NSW Sport and Recreation participant
- Statement from an official of the school or NSW Sport and Recreation detailing the circumstances surrounding the injury and confirming from their records that the applicant was an enrolled student or a registered person participating who was injured during an authorised activity.
- Statement from the applicant detailing the circumstances surrounding the injury.
- Statement from at least one witness to the injury describing the circumstances surrounding the injury.
- Medical documents to support the claim, eg. reports, hospital notes, etc.
- Once all treatment and rehabilitation has been completed and the injury is deemed to be stable, a report is required from a qualified medical practitioner detailing the history of the injury. This report must specify the nature and extent (in percentage terms) of the disability suffered as required under the Act and verifies that the disability is permanent and not likely to improve.

What Will The Committee Do?

The Committee will open a file upon receipt of the **Serious Injury Notification Form** or **Benefit Application Form** and let you know what is required to process the claim.

The Claims Manager will initially assess whether the injury is compensable under the Supplementary Scheme.

Depending on the nature and severity of the injury, the Committee may either pay a benefit or refer an applicant to a formally convened medical panel for examination and recommendation for benefit.

How Long Will It Take For A Claim To Be Processed?

The time for a claim to be finalised depends on the length of time it takes for all treatment and rehabilitation to be completed and for an injury to stabilise to the point where the degree of permanent loss can be assessed.

Once the permanent loss is determined and all the documentation is received by the Committee an application could be finalised within one month of the medical panel assessment.

Do I Need A Solicitor?

It is not necessary to engage a solicitor in order to apply for a benefit under the Supplementary Scheme, except for death benefits where it is a mandatory requirement to obtain Grant of Probate or Letters of Administration where applicable.

This does not prevent an applicant from consulting a solicitor at their own expense. The Supplementary Scheme does not reimburse for legal costs.

The claims and benefits processes are legislated under the Sporting Injuries Insurance Act 1978.

NSW SPORTS SAFETY AWARDS SCHEME

The NSW Sports Safety Award Scheme was introduced in 1998 by the State Government to recognise and reward the outstanding achievement in the research and prevention of sports related injuries and the adoption of safe sport practices.

Awards are made in Research, Education and Promotion and Safe Sports Practices categories.

The Awards are unique to New South Wales.

Research

The principal prize of the research category is the **FE Johnson Memorial Fellowship** which is awarded to an established researcher in the field of science and medicine in sport and includes a cash prize to enable the recipient to continue their research either within Australia or overseas.

The **David Garlick Memorial Scholarship** is awarded to the best new NSW talent in the field of science and medicine in sport and includes a cash prize to enable the recipient to continue their research within Australia.

Team Research award is presented for outstanding achievement in applied research in sports medicine by a team.

Education and Promotion

Outstanding Education and Promotion of Safe Sport Practices.

Awards are given to the categories:

- State
- Regional/Club
- NSW School

Prizes of vouchers for the purchase of sports equipment are also awarded.

Safe Sport Practices

Outstanding Implementation and Adoption of Safe Sport Practices.

Awards are given to the categories:

- State
- Regional/Club
- NSW School

Prizes of vouchers for the purchase of sports equipment are also awarded.

The awards are made annually at a gala black tie function at the end of the year. More information on the NSW Sports Safety Awards including details on closing dates, prizes and nomination forms can be found on the Committee's website www.sportinginjuries.nsw.gov.au or by contacting the office.

Nominate now for your chance to be recognised for making NSW sport safer!

RESEARCH AND INJURY PREVENTION SCHEME

The Research and Injury Prevention Scheme was established in 1991 by the State Government to provide funding for research and education programs designed to reduce and prevent serious injuries in sport. The Committee's aim is to eliminate the number of incidences and seriousness of injuries resulting from sporting or athletic related activities.

Applications

Applications for research grants open in November each year with the nomination period closing on 1 March the following year.

Funding under the Research and Injury Prevention Scheme is a competitive process. Applications will be assessed against exclusion criteria, selection criteria, the scope of grants available and on comparative merit against other applications.

In order to be eligible for a grant, projects must meet specific criteria and the applicants must be from or linked to a New South Wales organisation.

Purpose

The primary or a major purpose of the project is to contribute to a reduction in the incidence or severity of serious sporting injuries.

The project purpose may be altered by the Committee for a particular round of grants during a particular year.

Methodology

The project must achieve its purpose through either:

- Applied research to identify and implement safer sporting practices; or
- Educational and promotional strategies to increase awareness and change behaviour.

Scope

The project must address problems which have significance for:

- the NSW sporting community in general,
- a major sporting activity,
- a high risk or high cost sporting activity.

Further information and application forms are available on our website.

ABBREVIATIONS

The Scheme – *Sporting Injuries Insurance Scheme*

The Supplementary Scheme – *Supplementary Sporting Injuries Benefits Scheme*

The Committee – *NSW Sporting Injuries Committee*

The Act – *Sporting Injuries Insurance Act 1978*

REFERRAL TO FORMS/PUBLICATIONS

Sporting Injuries Insurance Scheme

- Application for Membership
- Serious Injury Notification Form
- Benefit Application Form (by a registered participant)
- Benefit Application Form (for a deceased participant)
- Benefits Table

Supplementary Sporting Injuries Benefits Scheme

- Serious Injury Notification Form
- Benefit Application Form (of a school child or DSR participant)
- Death Benefit Application Form (of a school child or DSR participant)
- Benefits Table

NSW Sports Safety Awards Scheme

- NSW Sports Safety Award Nomination Form

Research and Injury Prevention Scheme

- Research and Injury Prevention Scheme Brochure
- Research Grant Guide
- Application for Research Grant



NSW SPORTING INJURIES COMMITTEE

NSW Sporting Injuries Committee

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