

# NSW Sporting Injuries Insurance Scheme

Bill Madden, Sydney

New South Wales is unique within Australia in having a scheme for the compensation of persons who are injured or killed participating in certain sporting activities<sup>1</sup>. The scheme was established under the *Sporting Injuries Insurance Act 1978*, administered by the Sporting Injuries Committee.

The potential for athletes to qualify as workers and therefore be eligible for workers compensation, combined with a sharp increase in serious neck and spinal injuries in rugby league and rugby union during the mid 1970s, provided the catalyst for the scheme. Initially the scheme provided personal accident and injury cover for members of sporting organisations, largely amateur, which elected to join it.

In 1984 the Supplementary Sporting Injuries Scheme was introduced to provide similar compensation to those injured while participating in school sport or while engaged in specific programs conducted by the Department of Sport Recreation and Racing.

## What injuries are covered and what are the benefits?

Any injury resulting in the permanent loss of a prescribed part of the body is covered by the Scheme and the disabilities covered can be found in the following tables. Partial as well as total incapacities are covered. For Table A injuries permanent loss of use or function of at least 50% must be established or in the case of knee, hip, elbow or shoulder injuries 33% loss of function of the whole of the limb.

There is no such threshold for Table B injuries and the only requirement is to establish that a loss has occurred.

## Some examples of benefits payable under the Scheme

TABLE A

Loss of use of an arm or the greater part thereof	\$37,950
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Loss of use of lower part of an arm, a hand or four fingers and thumb of a hand	\$32,500
Loss of use of a leg or the greater part thereof	\$34,650
Loss of use of lower part of a leg	\$29,800
Loss of use of a foot	\$28,900
Total loss of sight of both eyes or of only sighted eye	\$48,750
Loss of use of any eye (if other sighted)	\$20,200
Loss of hearing of both ears	\$29,800
Loss of power of speech	\$29,800
Loss of use of a thumb	\$14,100
Loss of use of an index finger	\$9,400
Loss of use of a middle, ring or little finger	\$4,950
Loss of use of great toe	\$9,400
Loss of both kidneys, or only function kidney	\$51,500
Loss of a kidney (if other functioning)	\$6,200
Loss of the spleen	\$6,200

Table B

Loss of mental capacity	\$150,000
Loss of sense of smell	\$8,150
Loss of sense of taste	\$8,150
Loss of sexual organs	\$24,150
Loss of an eye - where unsighted	\$10,800

The amounts of the benefits payable vary according to the type and degree of disability sustained and the amounts specified in the above tables are the maximum amounts payable.

For example, a fractured thumb that failed to heal properly and resulted in a permanent 50% loss of usage would generate a benefit of \$7,050, half the (maximum) amount payable for a total loss.

The amount of a payment for an incapacity specified in Table A would depend very largely on medical assessment - Table B benefits are determined at



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the discretion of the Sporting Injuries Committee, but of course based upon specialist medical evidence.

The benefit payable in a case of multiple injuries, such as quadriplegia or paraplegia, is calculated by totalling the relevant amounts, but \$150,000 is the maximum benefit payable in respect of injuries arising out of the same accident.

For death, \$62,000 is payable in respect of an adult, or a person under 18 years of age survived by dependants, and an additional \$2,500 for each dependent child. For death of a person under 18 years of age without leaving dependants the Scheme provides a benefit not exceeding \$4,000 for reimbursement of funeral expenses - this is the only difference, in the amounts of the benefits, between junior and senior participants.

## How has the Scheme performed to date?

Over \$7.5 million has been paid from the Sporting Injuries Fund to applicants from a range of sports including Rugby League, Rugby Union, Cricket, Touch Football, Soccer, Springboard Diving, Pony Clubs, Cycling and Fishing.

Over 225 sporting organisations belong to the Scheme representing more than 55 different sports<sup>2</sup>.

## Further Information

The Scheme publishes a detailed handbook. Further information can be obtained by contacting the Sporting Injuries Committee at Level 5, 447 Kent Street, Sydney, phone 02 9370 5925. ■

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## Notes:

<sup>1</sup> Luntz, *Assessment of Damages*, Third Edition

<sup>2</sup> NSW Sporting Injuries Insurance Scheme information leaflet