



New South Wales

Sporting Injuries Insurance Regulation 2009

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*.

JOSEPH TRIPODI, MP
Minister for Finance

Explanatory note

The object of this Regulation is to remake, with some changes, the provisions of the *Sporting Injuries Insurance Regulation 2004*, which is repealed on 1 September 2009 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation increases the amount that may be paid for funeral expenses under section 27 of the *Sporting Injuries Insurance Act 1978 (the Act)*, from \$4,560 to \$9,000. This Regulation also reduces the level of permanent loss that is required to be suffered for a person to be eligible for the payment of a benefit in respect of the permanent loss of the use of the whole or greater part of a limb or the permanent loss of hearing in both ears.

This Regulation also makes provision with respect to the following:

- (a) the interest rates chargeable under section 11A (6) (b) of the Act,
- (b) the funeral expenses payable under section 27 (1) of the Act,
- (c) the compensation payable under Table A in Schedule 1 to the Act,
- (d) savings and formal matters.

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

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1 Name of Regulation

This Regulation is the *Sporting Injuries Insurance Regulation 2009*.

2 Commencement

This Regulation commences on 1 September 2009 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Sporting Injuries Insurance Regulation 2004* which is repealed on 1 September 2009 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(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

For the purposes of section 11A (6) (b) of the Act, the rate of interest prescribed is the rate for the time being prescribed under section 101 of the *Civil Procedure Act 2005* for payment of interest on a judgment debt.

5 Funeral expenses

For the purposes of section 27 (3) of the Act, the amount prescribed is:

(a) \$9,000, or

(b) if a different amount was prescribed under that subsection on the date that the person, in respect of whom the application is made, died—that other amount.

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6 Prescribed percentage of permanent loss

For the purposes of Table A in Schedule 1 to the Act, the prescribed percentage of permanent loss with respect to an injury occurring on or after the commencement of this Regulation is as follows:

- (a) 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—30 per cent,
- (b) for paragraph (a) of item 1 of Part 4, in the case of permanent loss of hearing in both ears—10 per cent,
- (c) in all other cases—50 per cent.

Note. See the *Sporting Injuries Insurance Regulation 2004* for the prescribed percentage for injuries occurring before the commencement of this Regulation.

7 Saving

Any act, matter or thing that, immediately before the repeal of the *Sporting Injuries Insurance Regulation 2004*, had effect under that Regulation continues to have effect under this Regulation.