

## **Membership and Insurance Program**

### ***Frequently Asked Questions 2019***

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#### **Renewing & Paying**

**Q When I try to register or log in (after completing the registration process), I receive an error message and cannot proceed – what should I do?**

A There have been some issues with registration and logging in with some internet browsers. If you are having trouble logging in to the Membership and Insurance portal, it is recommended that you use the Google Chrome browser to access the portal.

**Q What payment options are available for paying for our insurance?**

A You can pay by credit card at the time of purchase. Alternatively, you can pay for membership fees and insurance premiums online using BPay through your online banking service. You may also take your payment slip/invoice to the nearest post office to pay by cash, cheque or credit card.

Please note that Ceneta do not accept direct fund transfers into their bank account.

**Q I need to pay by cheque. What do I do?**

A The easiest way to pay by cheque is to take the cheque to the nearest post office along with your payment slip or invoice.

**Q When paying for my group's membership and insurance policies by cheque, should I write just one cheque or two separate cheques – one for insurance and one for Landcare NSW membership?**

A You only need to write one cheque made out to Ceneta Insurance Services. They will pass the membership fees on to Landcare NSW. Please take your cheque with the payment slip to your nearest post office to pay over the counter.

**Q Following the link to the portal requires me to register as a Landcare NSW client before being given access to the portal. What does being a 'client' of Landcare NSW mean and what does it entail? For example, will this force us to become a member if all I really wanted was a quote at this stage, or a sample of the policy document/schedule along with a sample of the membership form?**

A Being a "client" of Landcare NSW merely means you are registering your details in order to have access to the portal. It will not force you to be a member. An insurance quote can be obtained prior to taking out a membership – the quote will include the cost of membership but your membership and/or insurance policy won't be activated unless you choose to formally accept the quote and notify Ceneta accordingly. You can choose to take only membership to Landcare NSW, or take insurance along with your membership to Landcare NSW.

## Insurance

**Q Where can I find more information about the different insurance policy types, and why we might need them?**

A Community Underwriting have excellent information regarding the different policy types on their [website](https://www.communityunderwriting.com.au/Products). Visit <https://www.communityunderwriting.com.au/Products>

**Q Is there a cooling off period for insurance policies under the Landcare NSW Insurance Program?**

A The Voluntary Workers Personal Accident insurance policy has a 21-day cooling off period (see the policy disclosure statement PDS).

**Q Are people attending Landcare Group / Network events / activities covered by the Group / Network insurance if they are not members or regular volunteers but sign in to the activity?**

A Yes, they are covered by the General Liability and Voluntary Workers Personal Accident policies if it is an event / activity of the insured organisation and they sign on to an attendance register.

**Q Is Association Liability optional for groups with 20+ members?**

A Groups can choose not to take out Association Liability, but we recommend that each group carefully consider the coverage provided by this policy and the degree of risk of the group's activities. Please note that changes to the NSW Association law and regulation regarding *Directors operating in good faith* only came into effect on 1<sup>st</sup> September 2016, and so far the regulations have not been yet been tested in a Court of law.

**Q Where do I find information about "Directors operating in good faith"?**

A Please visit the NSW Department of fair trading website <https://www.fairtrading.nsw.gov.au/about-fair-trading/legislation-and-publications/changes-to-legislation/changes-to-association-incorporation-laws>

**Q Are we able to have "Interested parties" added to our certificate of currency? In the past we have had local government and state government agencies with whom we work closely noted as interested parties. We also wish to include our landlord as an interested party.**

A There is a field in Step 2 of the Membership and Insurance Client Portal to add interested parties to your certificate of currency, such as landlords and financiers.

**Q Is our group covered for activities that include the use of herbicides, chainsaws and brush-cutters?**

A Yes, as long as it is an approved activity of the insured group or network, all relevant risk assessments have been undertaken and all volunteers have signed on for the activity (if applicable).

**Q We are a wild dog control group who have bait preparation days which involve the use of firearms, tractors, saws and knives. Will this insurance cover our members if they are injured?**

A Yes, as long as it is an activity of the insured group, all relevant risk assessments have been undertaken and all volunteers have signed on for the activity.

**Q What does the Landcare NSW Insurance program provide that is better than what our current insurer offers?**

A The Landcare NSW insurance program provides broader cover at a much more competitive price. It is likely that your current insurance provides Public Liability and Personal Accident for Volunteers cover, but what it probably does not include is Association Liability or any of its parts. Many Landcare groups and networks, especially those that employ staff, currently hold (or should hold) have the following cover:

- Professional Indemnity;
- Employment Practices;
- Statutory Liability; and
- Directors & Officers insurances

The premiums for these products typically range from \$480 to more than \$2500, depending on the size of the organisation and the policies taken.

The Landcare NSW Insurance program provides Public Liability and Personal Accident for Volunteers cover and can also include Association Liability insurance, which provides coverage for Professional Indemnity, Employment Practices, Statutory Liability and Directors & Officers insurance.

**Q Our current insurer has changed its policy exclusions for this year's renewal. Where do I find the exclusions for your policies?**

A To see the exclusions for Landcare NSW insurance policies, log on to the insurance portal, where you will find all the policy wordings (PDS).

**Q I see in your policy exclusions that events should be held in a formal venue. The majority of our events are outdoors. Does this mean we are not covered under this insurance?**

A Where Landcare assembles people for a "Landcare Event", whether this is indoors or outdoors, the general liability policy will respond to liability which arises from these activities. Please refer to the Special Notes regarding Events in the General Liability policy schedule, and clause 11 under Exclusions in the PDS. We have defined these in the business description to include:

- bush regeneration and weed control;
- revegetation;
- repairing eroding gullies and stabilising riverbanks;
- collecting litter;
- creating and repairing walking tracks;
- protecting threatened species;
- stabilising sand dunes;
- working with councils on installing litter traps;
- equipment hire;
- property ownership;
- conducting workshops, field days, site tours and collaborative learning.

The events exclusion clause in our policy is intended to highlight additional activities that may be undertaken which are outside of the described activities, and which may involve large numbers of people and/or high-risk activities.

We will automatically include small or low risk activities and events that the Insured organisation may organise or participate in as part of fund raising, education or raising the profile of the organisation. These may include daily outings, market stalls, walkathons, picnics, dinners, social functions, small festivals and events with less than 100 people which are held at the regular place of occupancy, or up to 500 attendees at a third party commercial premises.

**Q Our group runs larger events with more than 100 people. Are we able to get insurance coverage for these events?**

A We will be able to provide cover for some larger / higher risk activities where we are provided with information prior to the event going ahead.

These activities could include:

- Events on your premises with more than 100 attendees
- Events held at locations other than your own which are not at commercially operated premises such as a club, restaurant, theatre or;
- Events or festivals at third party commercial premises where the attendees are expected to exceed 500;
- Events organised by your organisation that have third party market stalls that do not have their own liability insurance;
- Camps, bushwalking, waterborne activities or overnight trips with clients;
- Fun runs, cycling, racing, contact sports or indoor rock climbing.

We are unable to provide cover for a number of higher risk activities which include, but not limited to:

- Protests, demonstrations, rallies, pickets or similar activity;
- The supervision and/or operation of any form or type of firework / pyrotechnic display, amusement ride, mechanical ride, animal ride, amusement and/or any similar type of amusement unless such supervision and/or operation is contracted to an independent person or entity for the hire of such devices and you have obtained and retained current evidence of insurance from that person or entity that they hold a Public Liability insurance policy with a minimum limit of indemnity of \$5,000,000 any one occurrence;
- Other hazardous activities as detailed under exclusion 14 of the policy.

If your event is outside of these parameters and you need insurance, please contact Ceneta Insurance Services at [landcare@ceneta.com.au](mailto:landcare@ceneta.com.au)

**Q With the Personal Accident for Volunteers insurance, we would like to know within this policy what the definition of a 'volunteer' is. For example, does the policy cover students helping with planting trees etc. at a site?**

A For the purpose of insurance, we distinguish between members (like financial members as per the Landcare NSW constitution, regardless of class) and all other individuals or groups that may be involved with the member group and are participating in an activity. Members are automatically covered for insurance, volunteers have extra documentation requirements, such as a sign-in sheet, that they need to complete on the day of the activity to note their attendance in order to be covered by your insurance. We do not distinguish between the type of person that may be a volunteer e.g. school students (note: individuals under 16 years of age require parental consent) are treated the same as an adult attending to participate for the day.

You will need to ensure that as the group hosting the event that you implement the appropriate WHS requirements, which includes ensuring that you have a sign-on sheet for those participating in the activity. The specific question regarding if a student is covered – school students are generally participating in your activity under an approved school outing, and are thus under the control of the school and their insurance. As the student is participating in your activity, it may be that should an incident occur the school's insurer will pursue a claim with the Landcare group's insurer.

**Q An incorporated group may have about 12-15 financial members, but they also have a large number of volunteers who work on either cane toad control or Indian Myna control. The toad volunteers meet on a regular basis and “sign on” to the activity, so I am assuming that they would be covered under the organisation’s policy? The Indian Myna volunteers are provided with a trap and sign an agreement that they will trap and destroy birds humanely etc. but then trap on an “as needs basis” - would they be covered as volunteers of the organisation?**

A If the activities of the member group are standard sanctioned activities, and you conform to any Risk Assessment or Risk Management requirements, then they would be covered as “Volunteers” for their Voluntary Workers Personal Accident insurance. You are required, however, to list the number of volunteers as the maximum that you would have in your organisation in order to be covered.

**Q Does the Personal Accident for Volunteers policy cover injury and disease e.g. tetanus from a wire injury or Q fever from a meat bait preparation event? I know our current insurer is a NO for Q Fever but YES for injury.**

A The Personal Accident for Volunteers insurance policy is for personal injury only. Proximate cause is what drives the claim, if the chain of events starts from the defined accident then the consequences from that are covered.

**Q Our groups use kayaks during our Landcare activities to access stream bank weeds, would this be covered through the Landcare NSW insurance?**

A Landcare NSW has a number of member groups that endeavour to restore our waterways and reach remote bush regeneration sites through the use of kayaks. Landcare clearly distinguishes between ocean, white water and flatwater kayaking. All Landcare activities involve flatwater kayaking.

Landcare NSW has some Coast Care member groups that work with Surf Life Saving Australia (SLSA) to clean litter debris and preserve our coastline both from the land and over water. It is the responsibility of the Landcare group to ensure that the SLSA Club has the appropriate insurances in place to cover the use of their equipment.

Landcare NSW has developed a safety checklist that should be adhered to guide the development and running of a water-based activity. These protocols cover:

- Use of appropriate safety equipment and clothing including sun protection and closed in shoes with good grip that can be immersed (e.g. sneakers);
- Required skill and experience of participants, including the ratio of instructors to participants;
- Hazard reduction processes including route planning and notification, weather and swell checks, rest break planning and venue checks;
- Storage and handling of water crafts.

**NOTE:** All participants must:

- be able to swim (in a life jacket);
- wear a personal floatation device (PFD) or Life Jacket that fits them, that will support their weight and is correctly fitted.
- have read the *Safe Work Method Statement* and participate in the safety briefing before being allowed to participate in an event.

**Q Do we need to provide Landcare NSW or the insurance broker with a copy of our membership list to get insurance? What happens when new members join during the year?**

A No, you don't need to provide a membership list. As part of the requirements of incorporation, your group needs to maintain a register of members and in agreeing to the terms and conditions of the insurance you are agreeing that you do hold and maintain a membership list.

## Networks & Sub Groups

**Q Is there a "sub-group cover" option with the Landcare NSW Insurance program similar to the sub-group cover available through other brokers?**

A No, this is not an available option as the sub-group cover is considered to be ineffective in managing risk.

**Q We are an incorporated association and currently our cover is extended to other incorporated groups in our network – why can't this continue under the Landcare NSW program?**

A Insurance covers the organisation along with its members and committees for the decisions and actions that the organisation (as the insured body) makes. The activities and decisions of other incorporated bodies are not managed by your organisation, therefore coverage cannot be extended to them.

## Claims

**Q If numerous insured groups are all making claims, is there a limit to the cumulative value of the claims or is it a per policy limit?**

A The only policy that is subject to an aggregate limit with the Landcare program is the Association Liability policy. The aggregate limit for Association Liability is \$10,000,000. Public Liability and Voluntary Workers Personal Accident claims are on a per group policy limit.

**Q Where claims arise from an event that was undertaken in the past under the cover of a previous Insurer, which Insurer is responsible for assessing and settling the claim? What is the process for doing such?**

A Public Liability - claims under this policy are referred to as "Occurrence Based". The policy will respond only for those current or future losses that occur or are notified during the policy period.

Association Liability, "Claims Made" policy - Some kinds of liability policies (such as Professional Indemnity, Office Bearer's Liability and Employment Practices Liability) are usually issued on a "claims made" basis. This means that, subject to the other terms of the policy, the policy will only respond to claims which are both made against the Insured and reported to the Insurer during the policy period. Retroactive Date: Unlimited excluding any known claims and/or circumstances.

For more information about insurance:

Alex Kypros

Account Executive

Ceneta Insurance Services

Ph 1300 158 911

E [landcare@ceneta.com.au](mailto:landcare@ceneta.com.au)

For more information regarding governance:

Jennie Coldham

Member Services

Landcare NSW

Ph 0427 260 258

E [jennie@landcarensw.org.au](mailto:jennie@landcarensw.org.au)