

## **Insurance Program**

### ***Frequently Asked Questions 2022-23***

---

#### **Landcare NSW Membership**

**Q Which groups can join Landcare NSW Insurance Program?**

A Access to the LNSW insurance program is only available to Incorporated entities.

#### **Insurance Renewal Payments**

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

A Payment options are attached on the membership and insurance invoice with remittance by credit card or direct debit.

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

A Landcare NSW strongly prefers payment by credit card or direct debit. We can assist groups with setting up electronic banking.

**Q What is the scope of the Landcare NSW Insurance package? What kinds of groups and activities does it offer cover for?**

A The package policies are tailored to meet the needs of the community Landcare movement that promotes and advocates for natural resource management and ecologically sustainable development across farmland, bushland, parkland, beaches, national parks, rivers, dunes, creeks, Crown land, public land, private land, forests and travelling stock routes. Activities 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.

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

A The Landcare NSW insurance program provides broad cover at very competitive prices typically cheaper than other providers. Competitors are likely to be able to offer 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) the following cover:

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

Premiums for these products would normally range from \$550 to more than \$2750, 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 includes Association Liability insurance, which provides coverage for Professional Indemnity, Employment Practices, Statutory Liability and Directors & Officers insurance.

The Liability policy also includes member to member liability. This provides cover for members who may make claims against other members.

**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.

**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 undertake a risk assessment, conduct an event or site briefing and sign on to an attendance register.

**Q Why is Association Liability included in the insurance program?**

A Association Liability cover provides further protection for an association's public officers. 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 yet been tested in a Court of law. For further information about "*Directors operating in good faith*" - Please visit the NSW Fair Trading website <https://www.fairtrading.nsw.gov.au/about-fair-trading/legislation-and-publications/changes-to-legislation/changes-to-association-incorporation-laws>

**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, event and site induction and safety briefings 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?**

Q Yes, as long as it is an activity of the insured group, all relevant risk assessments, event and site briefings have been undertaken and all volunteers have signed on for the activity. Please note - such activities may also be covered by both federal and state laws and in must be performed in under any overarching legislation.

**Q Are use of firearms permitted?**

\*For the use of firearms is permitted for **training purpose only**, the following conditions are mandatory

1. All training providers are third party registered firearm training providers who have their own insurance in place
2. All training is undertaken at appropriate training facilities managed and operated by third party
3. No training is provided directly by the Insured or conducted at any of the Insured location
4. A mandatory pre-event check is made to ensure that the training provider's "Certificate of Currency" are current and up to date". A copy of the "Certificate of Currency" must also be made and held on file.

**Q I see in your policy exclusions that events should be held in a formal venue. Most 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 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 the LNSW 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.

The LNSW policy 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 Yes - We are able to provide cover for some larger / higher risk activities at an additional fee when the insurer is 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.

The LNSW policy will not 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 exclusions within the policy.

If your event is outside of these parameters and you need insurance, please contact [membership@landcare.org.au](mailto:membership@landcare.org.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 and site & safety induction, 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 OHS and WHS requirements, which includes ensuring that you have a sign-on sheet and conduct a site & safety briefing 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 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.

## Networks & Subgroups

**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 as independent legal entities are not and cannot be 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 policies that are subject to an aggregate limit with the Landcare NSW Insurance program are the Association Liability and Voluntary Workers Personal Accident policies. The aggregate limit for Association Liability is \$20,000,000. The aggregate limit for Voluntary Workers Personal Accident is \$2,000,000. Public Liability 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:

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

Ph - 02 8339 4816

