COMMUNITY LIABILITY INSURANCE POLICY DOCUMENT

PURPOSE

The purpose of this application is to provide an insurance option for groups or individuals who do not carry their own public liability insurance but wish to hire Council reserves or facilities.

OBJECTIVE

The objective of this policy is to explain in simple terms the requirements and limitations of Council's Community Liability insurance policy that may be available to eligible hirers of Council's reserves and facilities.

SCOPE

This policy applies to casual hirers of Council reserves and facilities who are seeking to rely on Council's Community Liability policy, subject to their eligibility to rely on the insurance.
Casual hirers are defined as all casual and regular hirers provided hire occurs no more than 52 times per annum (per hirer).

PUBLIC LIABILITY

The hirer must provide to the Customer Service Officer, a Certificate of Currency of their own Public Liability Insurance Cover from their Insurance Company, before the facility can be used. In the event of the hirer not being able to provide the Certificate of Currency from their own insurers, Council can offer insurance cover (subject to conditions and exclusions) from a "Public/Products Liability Insurance Scheme - Hirers of Council Owned or Controlled Facilities" for various hirers of Council Owned or Controlled facilities.

POLICY

Hirers of Reserves and Facilities

Ballarat City Council carries a Community Liability insurance policy which generally extends to casual hirers of Council-owned reserves and facilities.
The policy is intended to provide liability insurance for individuals or groups that are using the facilities on a casual basis and who would not reasonably be expected to have their own public liability insurance cover.
Examples include a parent hiring a hall for a teenager's birthday party, a wedding being held in a reserve, or hobby group hiring a meeting room.

Casual Hirers Not Eligible For Cover

Coverage under Council's Community Liability policy excludes:

- ❖ Regular hirers where their hire occurs more than 52 times per year

- ❖ Hirers undertaking certain activities such as sporting activities, markets, fairs, dances and shows, rock concerts.

- ❖ Persons or groups undertaking child minding or childcare services

- ❖ No products liability for second hand electrical items or tools

- ❖ Hirers undertaking commercial activities (including where an admission fee is charged)

- ❖ Participants in a festival or event not organised by Council – cover should be maintained by the event organiser

This Policy Does Not Cover:

- ❖ **Participation:** Personal Injury or damage to property of any person caused by or arising out of the participation of such person or his property in any game, match, race, practice, trial, or other sporting activity (including but not limited to swimming, gymnastics, health and fitness activities). Personal injury or property damage of any person caused by or arising out of the participation of such person or his/her property in any performances, activities associated with any acts of performance being conducted by the performers or entertainers.

- ❖ **Security Personnel:** Personal injury or property damage arising directly or indirectly out of or caused by security personnel.

- ❖ **Fireworks/Pyrotechnics:** Personal injury or property damage arising directly or indirectly out of or caused by fireworks/pyrotechnics.

- ❖ **Amusements:** Property Damage or Personal Injury caused directly or indirectly out of the operation of Amusements.

- ❖ **Rock/Pop Concerts:** Personal Injury or Property Damage of any person caused by or arising out rock/pop concerts.

- ❖ **Sub-Contractors:** Personal injury or property damage caused by the activities of any sub-contractor.

It is a requirement as a condition of use, for all other hirers not covered as a casual hirer under Council's Community Liability policy to maintain public liability insurance extending to the use, activity and premises being hired. The hirer must provide a copy of the Certificate of Currency to the Customer Service Officer prior to the facility being used and such cover to be not less than twenty million dollars ($20million) or such other amount as determined in consultation with the Council's Insurance Brokers.

Hire Agreements

Casual hirers will not be covered by Council's Community Liability policy where a formal Hire Agreement is not completed.
The Hire Agreement asks hirers to provide a copy of their public liability insurance certificate. In cases where hirers do not carry public liability (such as individuals or ad hoc groups), they may contact the City of Ballarat – Risk and Insurance division on (03)5320 5706.
The decision as to whether the policy will extend to any particular hirer, booking or event, will be made by Council Officers, acting upon advice from Council's insurance broker.

Risk Management Responsibility

All casual hirers of Council reserves and facilities have a primary responsibility to conduct their activities in a safe manner for all involved, and to ensure risks are minimised.
Any incidents, accidents, near misses (regardless of any fault) or hazards identified must be reported to Council through the Council Officer dealing with the hire agreement.

Payments for Hire of Council Facility/Venue

Payments made to Council have the effect of discharging the liability of Council in respect of the public liability insurance product in relation to the person or organisation receiving the benefit of the insurance, to the extent of the payment

Claims

Insurance claims under this policy directed at any casual hirer should be directed to Council's Risk and Compliance Coordinator or Risk & Insurance Officer by contacting them on (03) 5320 5706 who will then lodge the claim with the insurers.
The hirer must not admit any liability, as this is determinable by the insurance assessors and may breach the conditions of the insurance policy.

Policy Deductible (Excess)

In the event of a claim, a policy excess applies and is payable by the hiring group or individual. (In 2018-19 the excess is $250.00 'for each and every claim or series of claims arising out of any one occurrence.)

Policy Subject to Change

The provisions of this policy are subject to changes in the Community Liability policy on an annual basis following renewal negotiations. Should a conflict exist between this document and Council's Community Liability Insurance policy, the insurance policy shall take precedent.

Confirmation of Cover

Upon completion of the application and all required supporting documentation, City of Ballarat will review accordingly and advise the applicant of their eligibility to rely on the insurance. If a successful application has been made, confirmation may be provided by means of a Certificate of Currency covering the event. If you would like a copy of the policy wording, please contact the Risk and Insurance Division on (03) 5320 5706

An applicant seeking further assistance in relation to the above information are invited to contact City of Ballarat Risk & Insurance Division on (03) 5320 5706