

# Public Liability Insurance for Uninsured Casual Hirers of Council Facilities

DESIGNED FOR:

- COMMUNITY GROUPS
- NOT-FOR-PROFIT GROUPS
- INDIVIDUALS ETC

**Cover is not available for commercial entities that charge admission or derive monetary gain from the actual hire activity.**

## Public Liability Insurance must be held by all users of Council facilities

Public Liability insurance protects hirers and users of Council facilities should any claims be made against them.

Council has its own liability insurance for the buildings and property that it owns. This will respond to any claims arising out of faults with the building or other Council liabilities. However claims for personal injury or property damage can also arise from the activities undertaken by hirers on Council premises and such activities are entirely the hirers responsibility. Council insurance does not cover the activities of other parties.

An example might be that hot water is spilt on someone attending the event by a person serving or preparing refreshments. If a participant, a guest or a member of the public was injured, they may take legal action against the person responsible and the organisers of the event or meeting.

Another example could be a fire caused by faulty equipment brought into the building by the hirer or ignited by the activities of the hirer, that caused damage to Council property. In this case the insurer of the building would almost certainly seek to recover any repair costs from the hirer.

Public Liability insurance will cover the hirer in both these examples if it was determined that the hirer had been negligent and was legally liable to pay such a claim.

**Council's Casual Users insurance can be obtained for \$25.00 premium PER HIRE  
(This premium is subject to annual review and may change)**

**Council has taken out a Public Liability Policy that can be accessed by Casual Users on application**

## Taking out Casual Users Liability Insurance

A Hire Agreement must be in place between the hirer and the Council venue operator.

An application form must be fully completed, signed and dated and must show:

- The hirer's name, address and telephone number;
- The date of hire;
- The facility being hired;
- The type of function and number of expected attendees.

The hirer must take the form to the Civic Centre with payment of the premium of **\$25.00** or post the application form and payment to Council.

A receipt will be issued which can be used as evidence of insurance. This may need to be sighted by the venue. A copy of the receipt will automatically be forwarded to Council's Insurance section.

### **\$25.00 Premium inc. GST**

The \$25.00 premium is charged per hire/use, however the same event running over a maximum of five (5) consecutive days can be covered for a single \$25.00 premium.

Casual users insurance cannot be taken out more than 52 times in any 12 month period.

Groups or persons meeting more often than this or requiring cover for activities beyond the actual Council facility will need to take out their own annual Public Liability insurance.

Non-for-profit organisations and community groups can obtain a quotation for an annual policy by contacting Aon Risk Services on telephone 9211 3000.

**If the hirer can produce written evidence that they hold a current Public Liability Insurance then they will NOT need to take out Casual Hirers insurance.**

### **Points to note**

This scheme is intended to cover activities such as meetings, seminars, parties, weddings, balls, exhibitions, etc. Activities that are considered high risk, such as sporting events, festivals and rock concerts, or events with attendance exceeding 1000 persons CANNOT be covered by this scheme.

Liability insurance covers the negligence of the hirer/policy holder. If the legal system determines that you are legally liable to pay compensation for personal injury or property damage arising from an accident then public liability insurance will respond. There is no automatic cover for persons injured by causes other than the hirers' negligence. For example, if two patrons were involved in a fight then any persons injured would need to seek compensation from their attacker or the parties involved. The hirer would not normally be held responsible for the actions of attendees beyond their control.

Consumption of alcohol is permitted under the Casual Hirers cover. In Victoria a temporary limited liquor licence may also be needed. This is required by law when liquor is being supplied and paid for either directly or indirectly (i.e. by an all-inclusive charge). This can be obtained through the Consumer Affairs Online Services.

Hirers are required to pay a **\$250** excess / deductible for any claims made.

## IMPORTANT NOTICE TO POLICY HOLDERS

From QBE Insurance (Australia) Limited and Wyndham City

The information below is provided as a general explanation only and does not take the place of the full insurance policy wording. Council's Insurance Officer holds a copy of the policy wording, terms and conditions and this is available for inspection upon request. The full policy contains all of the relevant conditions and exclusions etc. These are also summarised on the rear of the Application form.

### WHAT YOU ARE INSURED AGAINST

This insurance will cover you for your legal liability to pay compensation and costs awarded against you in respect of personal injury and property damage, happening during the period of insurance, and caused by an occurrence related to your declared activity, up to \$20,000,000 limit of liability.

### WHAT YOU MUST PAY IF YOU MAKE A CLAIM

For claims you make on this Policy, you will have to pay the **\$250.00** deductible.

### GENERAL CONDITIONS

You must advise of any change or matter that comes to your knowledge which materially varies any of the facts or circumstances existing at the commencement of this Policy.

You must immediately tell Council or the insurance company, in writing, about any occurrence, claim, writ, summons, proceeding, impending prosecution or inquest which may result in a claim, whether or not you believe the claim amount might fall below the excess.

### REASONABLE CARE

You must exercise reasonable care that properly skilled persons are engaged or used where appropriate and take reasonable measures to maintain all equipment and property in sound condition.

You must take all reasonable precautions to prevent personal injury and property damage, and prevent the manufacture, sale or supply of defective products, and comply with and ensure that your employees, members, volunteers and agents comply with all statutory obligations, by-laws or regulations imposed by all relevant public authorities for the safety of persons or property; the disposal of waste products or the handling, storage or use of flammable liquids or substances, gases or toxic chemicals.

### DO YOU NEED YOUR OWN ANNUAL POLICY?

This insurance was designed to enable easy access to Public Liability insurance for community groups, not-for-profit groups and individuals wishing to use Council-owned facilities on a casual basis.

Cover is not available to commercial entities that charge admission or derive monetary gain from the hire.

Casual Users Liability insurance covers only the specific hirer, the specific activity, at the specific location, for the specified date only. Other parties such as hired bands will not be covered by this insurance.

It does not cover the hirer's activities at any other location or on any other date.

The **\$25.00** premium is payable for each hire

The Casual Users Public Liability Scheme can only be accessed for a maximum of **52** times in any one 12 month period.

If you are carrying out regular activities or are conducting activities at other locations you may need to take out an annual Public Liability insurance policy to protect your organisation or group.

Not-for-Profit organisations and community groups can obtain annual Public Liability insurance by contacting Aon Risk Services on telephone 9211 3000.

Commercial organisations or activities will need to make their own inquiries through general insurance companies or insurance brokers.

## **WHY PUBLIC LIABILITY INSURANCE IS REQUIRED BY COUNCIL**

Should someone be injured at an event or meeting the organisers and/or committee of an organisation or group may be sued, either as an organisation or even individually.

Without Public Liability insurance any person being sued may need to pay the costs of defending a claim in Court and could face a substantial legal judgement that might need to be paid from private resources and assets.

Holders of Public Liability insurance can rely on the insurance company to undertake the defence on their behalf and to pay claims where appropriate.