

AUSTRALIAN CARRIAGE DRIVING SOCIETY

INSURANCE PROGRAM – 2022-2023

INSURANCE INFORMATION AND QUESTIONS & ANSWERS AS AT JUNE 2022

IMPORTANT NOTICE

Members are advised it is important to ensure you have sufficient Home/Farm insurance on your property as the ACDS Public Liability Policy covers carriage driving activities only. It is not a general insurance policy for your property nor is it a liability policy for your personal liability arising from income earning carriage driving activities or where you are participating in an event/activity sanctioned by a third party.

Introduction

- All ACDS Events/Activities must be sanctioned i.e. a Minuted activity/event through a Club/State/Federal Meeting.
- It is mandatory that all ACDS Events/Activities must have undertaken a Risk Assessment carried out prior to the activity and the document retained on file. (This may be required by Insurers if a claim is made).
- All insurance queries are through the Federal Assistant Secretary.
- Any Events/Activities such as participation in a street parade, giving carriage rides for a Donation, charity events, etc. need to be referred to the Federal Secretary one month prior to the activity for confirmation with the Insurance Brokers to confirm insurance cover for the activity.

The insurance year is 29 May 2022 to 29 May 2023.

For the purpose of these Q&A's, a full driving member is a single, family, life or junior member.

Also, where there is a reference to sanctioned event, these Q&A's assume the sanctioning has been recorded in the minutes of one of Federal Council/State Branch/Club and a risk assessment has been carried out.

The ACDS has four classes of insurance:

- (a) Personal Accident which includes a 24/7 Extension.
- (b) Public Liability (called Broadform Liability) which includes a 24/7 Extension.
- (c) Association Liability.
- (d) Travel

Personal Accident Policy and Personal Accident Policy 24/ Extension

- **At an ACDS Sanctioned Event/Activity:** This insurance covers income and non-income earning members, coaches, grooms, officials, executives, volunteers and passengers in the case of bodily harm to the member, coach, volunteer, etc subject to the terms and conditions of the Policy.
- **Event/Activity Not Sanctioned by ACDS:** The 24/7 Personal Accident Extension will cover members who are on a full driving membership and participating in a non-income earning **carriage driving activity**.
- If you are injured, this is the Policy that you will claim under.
- There are limits on the Policy (i.e. how much you can claim for an accident) and there is a deductible on any claim of \$50 for non-Medicare Medical Expenses and 7 days for Weekly benefits for the 2022-2023 insurance year, which means you will need to pay the first \$50 and you will not be paid for the first 7 days of any claim.

Public Liability Policy

- This Insurance covers the ACDS, all Affiliated Clubs, Committees, members, volunteers, grooms, officials, directors, instructors and judges all around the world (other than the USA or Canada) for actual or alleged negligence that results in Third Party property damage or bodily injury including legal defence costs at a sanctioned event/activity subject to the terms and conditions of the Policy.
- Level of cover is \$20 million.
- Excess payable of \$1,500 each and every claim.

Public Liability Policy 24/7 Extension

- This Insurance covers members who are on a full driving membership outside of a sanctioned ACDS Event/Activity (but does not cover members at an event/activity sanctioned by a third party). This cover only applies to non-income earning **carriage driving activities**.

For example,

1. **The policy will respond from the time a horse is taken out of the paddock to work it until the time the horse is put back into the paddock, subject to the terms and conditions of the policy. Activities included under the insurance cover are driving, riding, lunging, long reining or any similar actions related to training.**
 2. **The policy will not respond to activities sanctioned by another person or organisation such as an Agricultural Society, EA, etc.**
- An excess of \$5,000 is payable for each and every claim.

Associations Liability Policy

- This policy is to protect all ACDS affiliated Clubs, Committees, members, volunteers, grooms, officials, directors, instructors and judges and others (at Federal, State and Club level) for claims made against them for financial loss arising out of a breach of

their fiduciary duties as an officer, including wrongful acts, breach of WH & S regulations.

- The policy has been extended to cover a variety of specific areas, there are limits on coverage in certain areas and there are different deductibles for certain claims. If you wish to know the limits on the policy contact the Federal Assistant Secretary.

One important point to note is that the Associations Policy is a claim made Policy. This means that we must advise the Insurer as soon as we become aware of circumstances which might give rise to a claim. Further when the Policy is renewed each year, the ACDS must advise the insurer of any event that may give rise to a potential claim prior to the date of renewal.

If we do not do this the insurer may deny any future claim arising from those known circumstances.

Travel Insurance

- This policy covers officials travelling on ACDS business agreed to by the Insured. For example, judges, etc travelling to and from an event, presenters travelling to present official training courses, Federal Council delegates travelling to and from a Federal Council meeting. It does not cover commuting between your home and place of business.
- An excess may apply.
- A journey means a trip, which shall be no longer than 180 days, undertaken on the business of, and authorised by, the Insured, and such travel involves a destination at least 100 km from the Insured Person's normal place of residence and/or business.
- Example: if a QLD TD flies to WA to officiate at a sanctioned ACDS activity and extends their stay for personal reasons, they are covered for the return trip home even though the journey was "broken".
- Example: if a VIC Dressage Judge drives to SA to officiate at a sanctioned ACDS activity and extends their stay for personal reasons, they are covered for the return trip home even though the journey was "broken".
- Example: Federal Council Delegate flies from TAS to VIC to attend a Federal Council Meeting. Arrives two days early for personal reasons, they are covered for the return trip home even though the journey was "broken".
- Note: If a spouse accompanies the Official, the Policy shall extend to cover the spouse. The spouse does not need to be an ACDS member.
- These officials do not need to take travel insurance (i.e. on a flight booking)

Set out below are some typical scenarios and a response from the insurance broker.

Scenario A

Question

I am a member of the ACDS, and I am going to the local Agricultural Show to show in the harness class. Am I covered by the ACDS insurance if:

1. I run over a spectator. If so, which insurance covers the accident?

Answer:

- *If the activity is a sanctioned ACDS activity you are covered by the ACDS Public Liability Policy subject to the terms and conditions of the Policy.*
- *If the activity is **not** a sanctioned ACDS activity, no the ACDS insurance policy will not respond.*

2. I run over a steward. If so, which insurance covers the accident?

Answer: See Answer 1.

3. On the way to the show ring, my pony gets spooked by the motocross display and he runs into the side of a parked car. If so, which insurance covers the accident?

Answer: See Answer 1.

4. Someone steals something from my float whilst I am at the show ring. If so, which insurance covers the accident?

Answer: *No ACDS insurance policy will not respond. You should insure your own possessions.*

5. My pony gets spooked by the motocross display and bolts and my carriage gets damaged or destroyed when it tips over. If so, which insurance covers the accident?

Answer: *No ACDS insurance policy will not respond. You should insure your own possessions.*

6. My pony gets spooked by the motocross display and bolts and I get injured. If so, which insurance covers the accident?

Answer:

- *If it is a sanctioned ACDS activity the ACDS Personal Accident Policy 24/7 Extension will respond subject to the terms and conditions of the Policy.*
- *If it is **not** a sanctioned ACDS activity, for those on an ACDS driving membership, the ACDS Personal Accident Policy 24/7 Extension will respond. Persons not on a driving membership will not be covered by the ACDS Personal Accident Member 24/7 Extension.*

7. My pony gets spooked by the motocross display and bolts and my groom/helpers who **are** members of the ACDS get injured. If so, which insurance covers the accident?

Answer:

- *If it is a sanctioned ACDS activity:*
 - a) *the ACDS Personal Accident Policy will respond subject to the terms and conditions of the Policy.*
 - b) *the ACDS Public Liability Policy will respond to a claim made by the injured party subject to the terms and conditions of the policy. The Claimant must establish there has been negligence on the part of the ACDS.*
- *If it is **not** a sanctioned ACDS activity, the ACDS Personal Accident 24/7 Extension will respond if the groomers/helpers have an ACDS driving membership.*

8. My pony gets spooked by the motocross display and bolts and my groom/helpers who **are not** members of the ACDS get injured. If so, which insurance covers the accident?

Answer:

- *If it is a sanctioned ACDS activity:*
 - a) *the ACDS Personal Accident Policy will respond subject to the terms and conditions of the Policy.*
 - b) *the ACDS Public Liability Policy will respond subject to the terms and conditions of the Policy to a claim made by the injured party subject to the terms and conditions of the policy. The Claimant must establish there has been negligence on the part of the ACDS.*
- *If it is **not** a sanctioned ACDS activity the ACDS insurance policies will not respond.*

Scenario B

Question

I am a member of the ACDS and my pony escapes from his yard at home by breaking the fence and runs on to the road.

1. Are my fences covered under the ACDS insurance policies? If so, which policy?

Answer: *No, you should insure your own property under your own insurance policies. The ACDS insurance policies will not respond.*

2. He runs into a car or a car hits him. Is the damage to the car covered under the ACDS insurance policies? If so, which policy?

Answer: *There is no cover. The ACDS insurance policies will not respond.*

3. The driver of the car is also injured. Is the driver of the car covered under the ACDS insurance policies? If so, which policy?

Answer: *The driver would be covered under State Government Motor Accident Insurance. The ACDS insurance policies will not respond.*

4. When he ran onto the road, a young girl was riding her bike and she got a fright and fell off the bike hurting herself. Is she covered under the ACDS insurance policies? If so, which policy?

Answer: *If the girl is injured by the vehicle, she would be covered under State Government CTP Insurance. The ACDS insurance policies will not respond.*

Scenario C

Question

I am a member of the ACDS and a friend agists her pony at my place **for free**. The pony escapes from his yard at my home by breaking the fence and runs on to the road.

1. Are my fences covered under the ACDS insurance policies? Is so, which policy?

Answer: *No, you should insure your own property under your own insurance policies. The ACDS insurance policies will not respond.*

2. He runs into a car or a car hits him. Is the damage to the car covered under the ACDS insurance policies? Is so, which policy?

Answer: *Your friend who is not an ACDS member needs to arrange her own Public Liability insurance to cover her as a horse owner. If an action is brought against your friend, there is no cover under any ACDS policies.*

3. The driver of the car is also injured. Is the driver of the car covered under the ACDS insurance policies? Is so, which policy?

Answer: *The driver would be covered under State Government Motor Accident Insurance. The ACDS Insurance policies will not respond.*

4. When he ran onto the road, a young girl was riding her bike and she got a fright and fell off the bike hurting herself. Is she covered under the ACDS insurance policies? Is so, which policy?

Answer: *If the young girl is injured by the vehicle, she would be covered under State Government CPT Insurance. The ACDS Insurance policies will not respond.*

Scenario D

Question

I am a member of the ACDS and a friend agists her pony at my place. **I charge her a fee to agist**. The pony escapes from his yard at my home by breaking the fence and runs on to the road.

1. Are my fences covered under the ACDS insurance policies? Is so, which policy?

Answer: No, you should insure your own property under your own insurance Policies. The ACDS Insurance policies will not respond.

2. He runs into a car or a car hits him. Is the damage to the car covered under the ACDS insurance policies? Is so, which policy?

Answer: The ACDS Insurance policies will not respond.

3. The driver of the car is also injured. Is the driver of the car covered under the ACDS insurance policies? Is so, which policy?

Answer: The driver would be covered under State Government Motor Accident Insurance. The ACDS Insurance policies will not respond.

4. When he ran onto the road, a young girl was riding her bike and she got a fright and fell off the bike hurting herself. Is she covered under the ACDS insurance policies? Is so, which policy?

Answer: The ACDS Insurance policies will not respond.

Scenario E

Question

1. I am a member of the ACDS.

In Scenarios B to D, **if I left the gate to the paddock open** and the pony escaped, does that make any difference to whether the ACDS insurance policies would respond?

Answer

FREE Agistment: The ACDS Insurance policies will **NOT** respond.

PAID Agistment: The ACDS Insurance policies will **NOT** respond.

Scenario F

Question

1. I am a member of the ACDS. Am I insured whilst training my horse at home or down the road.

Answer: Yes, you are covered under the ACDS Public Liability and Personal Accident 24/7 Extensions if you are on a driving Membership i.e. Family/Single/Life or Junior driving membership subject to the terms and conditions of the policy.

2. My groom/passenger is injured, are they insured?

Answer: Yes, if the groom/passenger is part of a Family Membership or Single Membership they are covered under the Member 24/7 Personal Accident extension subject to the terms and conditions of the policy.

If the groom/passenger is not an ACDS member on a driving membership, they are not covered under the Member 24/7 Personal Accident extension. If they make a claim against you for their bodily injury arising from your negligence you would be covered under the ACDS Public Liability 24/7 extension subject to the terms and conditions of the policy.

Scenario G

Question

1. I am a member of the ACDS. Am I insured if I am officiating or helping at a **sanctioned** ACDS event/activity and get injured.

Answer: Yes, you are covered under the ACDS Personal Accident and ACDS Public Liability Policies subject to the terms and conditions of the policies.

2. I am not a member of the ACDS. Am I insured if I am officiating or helping at a sanctioned ACDS event/activity and get injured.

Answer: Yes, you are covered under the ACDS Personal Accident and ACDS Public Liability Policies subject to the terms and conditions of the policies.

Scenario H

Question

1. I am a member of the ACDS. Am I insured if I am grooming or helping a driver at a **sanctioned** event/activity and get injured?

Answer: Yes, you are covered under the ACDS Personal Accident Policy subject to the terms and conditions of the policies.

2. I am **not** a member of the ACDS. Am I insured if I am grooming or helping a driver at a **sanctioned** event/activity and get injured?

Answer: Yes, you are covered under the ACDS Personal Accident Policy subject to the terms and conditions of the policies.

Scenario I

Question

I am a member of the ACDS. Am I insured if I am grooming or helping a driver at a **non-sanctioned** ACDS activity and get injured.

Answer: Yes, you are covered under the Personal Accident 24/7 Extension subject to the terms and conditions of the policy if you are on a driving membership (Family/Single/Junior/Life) whilst undertaking recreational, non-income earning equine activities where no other policy is in place or other policy limit/s are exhausted.

Scenario J

Question

I am not a member of the ACDS and wish to go to a rally at the local carriage driving club to see if I like driving. The club tells me that I need to complete a "One Activity Membership Form" and pay the fee or a "Come & try Form" and then I can drive the horse and carriage.

1. Am I insured if I have an accident? If so, which insurance policy covers me?

Answer: Yes, by completing the One Activity Membership form and paying the fee or the Come & Try Form, you are a member for the period of the Activity and you are covered under all of the ACDS insurance policies for authorised and official ACDS activities as described previously subject to the terms and conditions of the policies.

NOTE: You are not permitted to participate in any timed events.

2. Can the One Activity Membership be used for more than one day?

Answer: Yes, the One Activity membership is designed to cover a weekend (2 days). From time to time, Federal Council on application from a Club, has extended it to 3-4 days. For example, where there is a pleasure drive over Queens Birthday weekend.

Scenario K

Question

1. I am a member of the ACDS. I have formed a new club complying with the appropriate State legislation. I advised the ACDS, sent in the affiliation form and have received a letter from the Federal Secretary advising that the affiliation has been approved. We have an OH&S claim. Is the Club insured? If so, which insurance policy will respond?

Answer: Yes, if the claim arises after State Branch/Federal Council ratification of the Club you are covered for Statutory Fines and Penalties (such as those imposed under WH&S legislation) under the Associations Liability Policy subject to the terms and conditions of the policy. However, cover only applies if this was advised to Affinity Insurance Brokers as a potential circumstance that could give rise to a claim as soon as you first became aware of the issue. Under 'Claims Made' policies, all circumstances that may potentially lead to an Association Liability claim must be notified to insurers, otherwise claims can be denied. A policy excess may also apply.

2. I am a member of the ACDS. I have formed a new club complying with the appropriate State legislation. It was part of the formation that it affiliates with the ACDS but I haven't advised the ACDS yet. We have an OH&S claim. Is the Club insured? If so, which insurance policy will respond?

Answer: No, without State Branch/Federal Council ratification the Club is not a recognised ACDS affiliated Club. The ACDS Insurance policies will not respond.

Scenario L

Question

1. I am a member of the ACDS, I coach and charge a fee for lessons. Am I insured whilst I am coaching if I get injured or cause an accident?

Answer: Yes, if coaching at a **sanctioned** ACDS activity subject to the terms and conditions of the Policy.

The ACDS Insurance policies will not respond if the activity you are coaching at is not a sanctioned ACDS activity. Providing equestrian tuition is seen as a commercial equine activity regardless of whether or not you are being paid.

2. I am a member of the ACDS, I coach and I give free lessons. Am I insured whilst I am coaching if I get injured or cause an accident?

Answer: Yes, if coaching at a **sanctioned** ACDS activity subject to the terms and conditions of the Policy.

The ACDS Insurance policies will not respond if the activity you are coaching at is not a sanctioned ACDS activity. Providing equestrian tuition is seen as a commercial equine activity regardless of whether or not you are being paid.

3. I am not an ACDS member, I coach and charge a fee for lessons, I also give lessons for free. Am I insured whilst I am coaching if I get injured or cause an accident?
Answer: Yes, if coaching at a **sanctioned** ACDS activity subject to the terms and conditions of the Policy.

The ACDS Insurance policies will not respond if the activity you are coaching at is not a sanctioned ACDS activity. Providing equestrian tuition is seen as a commercial equine activity regardless of whether or not you are being paid.

Scenario M

Question

I am a member of the ACDS and am on a discipline committee (e.g. CDE, dressage, coaching, etc.). The Committee has been requested to decide on the following issues:

1. An inexperienced member who has just purchased an experienced horse asks to have it downgraded to novice class. Based on the evidence we have been provided, we decide not to approve the downgrade as we have been informed that the driver is not as inexperienced as they have advised us.

Subsequently, the member has an accident and they sue the committee and the members of the committee for negligence. Are we covered under ACDS insurance and if so, which insurance policy?

Answer: *If due to the decision made by the Committee this member is injured and brings an action against the ACDS/Committee for negligence resulting in bodily injury, the ACDS Public Liability policy will respond subject to the terms and conditions of the Policy. If the claim is not for bodily injury and the member brings an action against the ACDS/Committee for financial loss, the Association Liability policy will respond subject to the terms and conditions of the Policy.*

2. A member is upgraded from a Novice Technical Delegate to an Advanced Technical Delegate. We approve the upgrade. Subsequently we are advised that there was an accident at an event where he was the TD. The person that was hurt at the event sues the committee and the members of the committee for negligence based on the claim that the TD should have done something to prevent the accident but didn't do so because he was not as experienced as was claimed. Are we covered under ACDS insurance and if so, which insurance policy?

Answer: *As above for Question 1.*

Scenario N

Question

An ACDS Club/State Branch/Federal Council is requested to conduct the Harness Driving ring at the local Show. The activity is a **sanctioned ACDS** activity.

1. A harness horse bolts and hits a parked car. Is the damage to the car covered by the ACDS Insurance Policies?

Answer: Yes, the ACDS Public Liability policy will respond subject to the terms and conditions of the Policy.

2. A harness horse bolts and injures a steward or a member of the public. Is the injured person covered by the ACDS Insurance Policies?

Answer: Yes, the ACDS Public Liability policy will respond subject to the terms and conditions of the Policy.

3. A harness horse breaks away from its float and injures a member of the public. Is the injured person covered by the ACDS Policies?

Answer: Yes, the ACDS Public Liability policy will respond subject to the terms and conditions of the Policy.

Scenario O

Question

1. A Club/State Branch/Federal Council agrees to conduct an ACDS sanctioned activity with another Society, using the ACDS criteria for Joint Activities. Is the ACDS Club/State Branch/Federal Council covered by the ACDS Public Liability and Personal Accident Policies?

Answer: Yes, the ACDS Public Liability and PA insurance policies will respond in respect to the ACDS part of the activity subject to the terms and conditions of the Policy.

Scenario P

Question

Can my ACDS Club just sanction any activity run by another organisation, so that ACDS Insurance will apply?

Answer: No - to sanction an activity for Insurance purposes, the ACDS Club must have majority control over the conduct of the carriage driving-related component of the activity, including risk management aspects.

If the activity is to be run jointly with another organisation, the ACDS has developed 'Joint Activity Guidelines' (available from ACDS Website) to assist Clubs in this respect.

Scenario Q

Question

Will the ACDS Public Liability policy respond on behalf of a non ACDS organising committee?

Answer: No.

Scenario R

Question

My Club is also affiliated with an EA State Branch and conducts EA Club activities. Is the Club Committee covered under the ACDS Associations Liability policy?

Answer: The ACDS Associations Liability Policy will only respond to defend the Club Committee in the context of decisions made regarding ACDS activities and membership – the policies will not respond in relation to decisions, actions and omissions associated with EA Club affiliation or activities.

Therefore, Club Committee members are strongly advised to satisfy themselves of the adequacy of liability protection for themselves in this situation and to identify any gaps that may exist because of the different liability policies.

Scenario S

Question

Our Club has a person who is willing to be an Office Bearer of the Club, but they do not wish to be a full ACDS Member as they do not drive. Is this permitted?

Answer: The ACDS Rules and Regulations indicate that to be an Office Bearer of the ACDS, a person must be 18 years or older and be either a Single Member, part of a Family Membership, be an Active Member or an Honorary Life Member, subject to compliance with the State Branch or Local Club Rules.