

17. Insurance

What is insurance?

Insurance is something you buy to protect against financial loss. By paying an ongoing fee (“premium”) to another party (“Insurer”) you agree that should a particular risk happen, the Insurer will cover the costs of that risk. If nothing happens, the Insurer keeps the fee.

Insurance policies are usually quite specific and the type of insurance you get will depend on the type of risk you need protection from. For example, if you go on a driving holiday you should have comprehensive car insurance, but if you’re taking a plane, you would need travel insurance.

What protection does my Club have?

Arc does not provide any personal accident, property or indemnity insurance cover for Clubs. However, in certain circumstances individual, injured students (and members of the general public) *may* be covered under Arc’s Public Liability Insurance (more details further on).

Most Clubs are unincorporated. This means that the Club has no separate legal identity; it’s just a group of people with similar interests working together. So Executive members of Clubs that aren’t incorporated can be personally sued in the case of an accident occurring at a Club event. Liability is fault-based so a person would need to establish that the Club was at fault (negligent) and is responsible for the injury.

The risk of liability increases with the level of negligence involved (was the risk foreseeable and was enough done to prevent the risk being realised?) so it is important that a risk assessment is done for every Club event and potential hazards are minimised.

A “risk” is more than just someone falling over. Clubs may be exposed to claims for negligence, theft of property, fraud, bad professional decisions, discrimination and harassment and copyright infringement.

Should my Club have external insurance?

If your Club decides to incorporate, you should be aware that incorporation doesn't come with automatic insurance protection, so you'll need to decide if it is worth purchasing insurance. Clubs don't have to have insurance to be incorporated but it may be a good idea to investigate what policies may be appropriate to your Clubs activities:

- Public liability insurance (to protect members of the public from negligent acts of the Club)
- Directors and officer's liability insurance (to protect against wrongful acts of the Executives e.g. a breach of a professional/statutory duty or fraud)
- Personal accident insurance (to protect Club members against the financial costs of accidents and injuries)
- Property insurance (to protect against theft or loss of Club property)

The main risk to Club Executives is that someone will sue them for an injury or loss (but your Club's risk assessment process will identify the specific risks the Club is exposed to). Clubs who organise regular events off campus where the likelihood of someone getting hurt is high, should give it serious thought.

However, if your events are well planned and you take all necessary precautions (like completing a detailed risk assessment so that facilities, equipment and environment are safe) to make sure that risks are minimised, it might not be an expense that your Club needs to spend.

If your Club is unincorporated, insurance can only be purchased individually (rather than on behalf of the Club) and the same types of policies aren't available.

The following section includes contact details of someone that may be able to assist you. Please note this is provided for your convenience however, please make your own checks to see if their products are suitable for your Club's needs.

Arc@UNSW Limited Public Liability Insurance for Clubs

Arc's Public Liability (PL) Insurance does not cover all UNSW Club events and activities. If you require PL insurance you must complete and submit the following information at least twelve (12) weeks prior to your event via the [online form](#). This is to provide time for a determination on insurance

coverage to be made by Arc & its insurers (as required) and if necessary, time for Clubs to organise their own coverage if Arc refuses PL insurance coverage for the event.

Submitting the information does not guarantee your event will be covered by Arc's PL insurance. Arc will consult with its insurers (as required) and respond to your request as soon as possible.

1. Name of event
2. Time/s & Date/s of event
 - a. Does the event involve any form of overnight stay, travel or accommodation arrangements?
 - b. What is the public liability insurance required for? (e.g. hiring of equipment, venue hire)
3. Location of event
4. Expected attendance numbers
5. Description/ summary of your event
(please include as much information as possible (For example you should include information stating whether your event is a sporting activity, involves motor vehicles/ rallies, dance and shows, cruises etc.). If there is insufficient information, Arc may request further information which may delay the process).
6. Will there be alcohol served at the event? Yes/No
7. Primary contact person (Name, Student ID, Phone & Email).

Please note the following:

- Public Liability (PL) Insurance is designed to cover personal injury or property damage that a third party (member of the public) claims to have suffered as a result of your event. It does **not** cover members of your Club or persons participating in or, assisting to organise, your event.
- Arc has the right to refuse PL insurance coverage for your event.
- Arc's PL Insurance will not cover events involving alcohol, adventure and **high-risk** sporting activities, motor vehicle activities, cruises or similar (this is not an exhaustive list). For these sorts of events, please find below details of a contact where you may obtain your own insurance quotes.

- Arc will only accept a claim if the Club has given Arc prior notice of the event and you have received an email confirmation from Arc stating your event will be covered by Arc's PL insurance before making the claim.
- You must request approval before giving a copy of Arc's PL Certificate of Currency (COC) to any third party. This request must be made for each event for which you need insurance coverage. Without prior approval to use the COC, your event will not be covered by Arc's PL insurance. A COC will only be provided to currently affiliated Arc Clubs, and for official Club events (where the Arc Clubs logo is displayed and/or used in marketing materials).
- You must notify Arc, via email (to clubs@arc.unsw.edu.au), within 24 hours, if a claim is to be made. You must also provide Arc with all the information and supporting documentation requested as soon as possible. Police reports and medical certificates must be obtained and dated the day of the event. For medical expenses, Arc's PL insurance will only cover out of pocket expenses.
- Your Club may be liable to pay or contribute towards the excess payment of the insurance claim.
- If your Club is found to have breached any laws or provided incomplete/misleading information (including changes to the event that affects information provided to Arc for insurance purposes), the PL insurance may become invalid, and the Club's affiliation may be terminated.
- Your Club's claim will be automatically denied where the injury/damage was caused by:
 - Wilful negligence, recklessness or misconduct on behalf of Club members;
 - Alcohol consumption;
 - Actions of a non-Club member.

Nothing contained in this information should be taken as advice not to purchase separate insurance for your Club nor replace your own enquiries about whether Arc's PL is suitable for your Club's particular needs.

Contact to obtain your own insurance:

If your event cannot be covered by Arc's PL insurance and you need to obtain your own insurance, below is a contact who may be able to assist you. Please note that the below contact is provided for

your convenience however, please make your own checks to see if their products are suitable for your Club's needs.

Veronika Karatovic

Client Executive, Aon Australia/Pacific

Ph: 028623 4220

E: veronika.karatovic@aon.com

UNSW Personal Accident Policy

Clubs may also have access to UNSW's Personal Accident Policy. This policy applies to full and part-time students, on or off campus, while acting in the interests of UNSW or involved in UNSW business. The nature of the event will ultimately determine whether the coverage applies to Club-related accidents. For example, a harbour cruise is not likely to be considered "UNSW business" whereas Club members participating in a recognised overseas competition would probably have cover.

It is also a question of whether UNSW was aware of and approved the event or activity. Events that have Faculty backing would likely be covered.

The Personal Accident Policy only applies to physical injury or death and not sickness, illness or disease. It does not apply to students under the influence of drugs or alcohol at the time of the accident, claims indirectly arising because of drugs or alcohol, or illegal or criminal acts.

FAQs

Are Arc affiliated Clubs covered under Arc's insurance policies?

Arc's Public Liability (PL) Insurance covers some (but not all) events and activities of affiliated Clubs. Clubs must submit a formal request for coverage through the [Clubs Insurance Request](#) form on the Arc online platform and least 12 weeks prior to the start of the event.

Can members of Arc Clubs be personally sued for negligence?

Members of the Club can be personally sued if they are negligent (e.g. in providing a particular Club event) and that negligence results in injury to another person. Negligence isn't the same as an

accident – some accidents just can't be avoided. Negligence involves acting without reasonable care and skill.

The best way to avoid this is to make sure that Club members are diligent in assessing and minimising obvious risks so that there is no negligence. Clubs can also take extra steps to limit the legal exposure of Executives by becoming incorporated

Where can I find out more information?

General Insurance Information

<https://www.moneysmart.gov.au/insurance>

UNSW Insurance

<https://www.fin.unsw.edu.au/services/insurance/personal-accident>

Not-for-profit Law: Risk and Insurance

<http://www.nfplaw.org.au/riskinsurance>

Related Documents

Forms & Files (<https://www.arc.unsw.edu.au/clubs/club-admin/club-forms>)

Clubs Insurance Request Form

Help!

Arc Legal and Advocacy: advice@arc.unsw.edu.au