

## Insurance Scheme Frequently Asked Questions The Garden Clubs of Australia

*Prepared 20<sup>th</sup> January 2017*

The Information contained in this circular should be retained and read by all club committee members and then filed in a safe place for future reference.

**Question 1:** Can I sign a contract that contains insurance statements?

**Answer:** When you enter any contract you must make sure you understand the terms and conditions. Many contracts will contain an insurance section and or indemnity conditions. Never sign a contract that either imposes additional liability on your Garden Club or limits liability upon others. You will breach the Garden Clubs policy terms and conditions. Always seek professional legal advice before entering into any contract.

**Question 2:** Can our club hold its monthly meeting in a member's garden?

**Answer:** Yes

**Question 3:** Are visits to member's and non-member's gardens covered by our liability insurance?

**Answer:** Yes

**Question 4:** Does our insurance package cover property and cash handling insurance?

**Answer:** No. Group Personal Accident & Public / Products Liability are the only Insurance policies.

**Question 5:** Does our Group Personal Accident policy cover members on organized coach trips?

**Answer:** Yes.

**Question 6:** Are Garden competitions covered when we open them to the public even with or without an entry fee?

**Answer:** Yes, the Public / Products Liability include open gardens.

**Question 7:** What if our Garden Club holds a large attend each year which attracts more than 1,000 attendees?

**Answer:** You will need to complete an Event Form and forward to Trident Broking. There may be an extra premium charged for these events. Please note, when estimating your number of attendees **do not** include the members attending from the hosting club.

**Question 8:** Why do I have to pay extra for these events?

**Answer:** Due to the amount of attendee's, the risk of an incident occurring becomes greater, the more people, the higher the risk.

**Question 9:** Are shopping centre displays covered by insurance?

**Answer:** The Public/Products Liability policy will cover the liability associated with the display. Be mindful that Shopping Centres may ask to have a contract signed to allow the use of their premises. Refer to question 1.

**Question 10:** Are horticultural shows covered?

**Answer:** Provided it is a GCA &/or an Affiliated Club Show, the Public/Products Liability policy will cover the liability associated with the exhibition.

**Question 11:** If our club joins GCA and takes the insurance package does our premium run for 12 months?

**Answer:** No, GCA's policies have a common annual due date which is 30<sup>th</sup> April each year.

**Question 12:** Do we get a refund if our club closes down?

**Answer:** No.

**Question 13:** If we increase our membership within the year do we pay an extra premium?

**Answer:** No. Each year you are asked to declare your member numbers in December. Once declared, the premium is based on that declaration for the year even though your membership may increase or decrease during the year.

**Question 14:** Do we have Director's & Offices Liability Insurance?

**Answer:** No.

**Question 15:** What activities does the liability insurance cover?

**Answer:** The activities of the GCA have been described to the Insurer as: To extend knowledge throughout the community of gardening, horticulture and its uses, and garden design; To promote and encourage various aspects of community based horticulture activities; To educate the public in the protection and conservation of our natural resources; To contribute to, encourage and participate in activities assisting Botanic Gardens and other like-minded horticultural institutions; To develop and co-ordinate the education of affiliated members of GCA and like minded organisations; To co-operate with other agencies to further the interests of horticulture and conservation; To promote and encourage areas of floral art; To encourage assistance to charities; To be non-political and non-sectarian in all undertakings.

**Question 16:** Is the accident policy for members only?

**Answer:** Yes

**Question 17:** What does product coverage mean?

**Answer:** It provides legal liability coverage associated with the sale of goods.

**Question 18:** If our club does not sell any goods, can we have the cover removed and receive a premium reduction.

**Answer:** No. This is a group policy and coverage cannot be altered for one individual club.

**Question 19:** Do patrons and Life members have to be in the membership count to determine the premium?

**Answer:** Yes

**Question 20:** If we have far away members who do not attend club meetings or function do we include in the membership count?

**Answer:** Yes

**Question 21:** Is there any excess on the policies?

**Answer:** Yes. Public / Product Liability has a \$500 excess for each and every claim or series of claims arising from the one occurrence. The Personal Accident policy has a \$50 excess for all medical expenses claims.

**Question 22:** Do we have to carry out the "Duty of Care" checklists?

**Answer:** No.

**Question 23:** Do we have to be incorporated to qualify for insurance cover?

**Answer:** No

**Question 24:** Can we affiliate without taking out your insurance cover?

**Answer:** Yes

**Question 25:** Are guests (non members) on coach trips and garden visits covered.

**Answer:** They are not covered by the Group Personal Accident policy as this is for members only. However should a guest be injured as a result of an accident at a GCA function, and which is due to the **Garden Club's negligence**, then the club would seek protection from the Public/Products Liability policy from this action.

**Question 26:** Is there an Age Limit on either policy?

**Answer:** Yes the Group Personal Accident has an age limit of 100 years. Refer to the policy schedule for limitations and restrictions on cover.

**Question 27:** Can we repackage garden products, or mix potting soil, and sell or provide them to others?

**Answer:** No.

**Question 28:** Do the GCA Insurance policies cover smaller Gardening Clubs, which have formed a larger Gardening Group/Club, which does not have any legal control, and/or active management over them and which has affiliated to the GCA?

**Answer:** No. In terms of the definition of The Insured on the GCA insurance policies, all Clubs wishing to be insured should be DIRECTLY affiliated to the GCA and not form part of a group that does not exercise active management or control, as provided for under the Corporations Law, over them.

***Disclaimer***

The answers provided in this Frequently Asked Questions document are always subject to the Terms and Conditions of The Garden Clubs of Australia insurance contracts.