

Community Liability Policy

Approved By: **Council**
Doc Controller: **Executive Manager**
Corporate Governance
File: 4/14/2

Document Code: **CP-CBS-SG-025**
Version: **8.0**
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Next Review Date: **21 Jul 2021**

1 PURPOSE

The purpose of this policy is to provide an insurance option for groups or individuals who do not carry their own public liability insurance but wish to hire a Council venue, perform, demonstrate or operate a stall at a Council event, or be a busker under a Council permit.

2 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, as well as performers, stallholders, artists and buskers.

3 SCOPE

This policy may apply to:

- Casual hirers of Council reserves and facilities under a signed hire agreement,
- Performers, stallholders, and artists at a Council event, and
- Buskers operating under a Council permit

This is subject to their eligibility to rely on the insurance, and approval by Council.

Casual hirers are defined as all casual, ad-hoc and regular hirers provided hire occurs no more than 52 times per annum (per hirer).

4 POLICY

4.1 Hirers of reserves and facilities

Burnie 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.

4.2 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

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- Hirers undertaking certain activities such as sporting activities, markets, fairs, dances and shows, rock concerts
- Persons or groups undertaking child minding or childcare services
- 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

For details of all policy terms, reference should be made to the conditions and exclusions of the Community Liability insurance policy.

It is a requirement as a condition of use, for all sporting bodies having regular use of sporting facilities provided by the Council, to maintain a Public Liability insurance policy, and that the cover be at least twenty million dollars (\$20 million) or such other amount as determined in consultation with the Council's Insurance Brokers.

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 level of such cover to be not less than twenty million dollars (\$20 million) unless specified differently by Council.

4.3 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 request that they rely on Council's Community Liability policy.

The decision as to whether the policy will extend to any particular hirer, booking or event will be made by the Governance Officer or Executive Manager Corporate Governance, acting upon advice from Council's insurance broker.

Those individuals or groups who have approval to rely upon the Community Liability policy will be provided with a copy of the policy conditions and exclusions.

4.4 Performers / Stallholders / Artists / Buskers

The Community Liability policy may extend in certain cases to cover various uninsured performers, stallholders and artists operating under Council-organised events within the municipality of Burnie.

The Community Liability policy may also extend in certain cases to cover buskers and stallholders not otherwise excluded under the insurance policy, who are operating under a Council permit.

Enquiries of this nature should be directed to the Governance Officer or the Executive Manager Corporate Governance.

4.5 Risk management responsibility

All casual hirers of Council reserves and facilities, as well as performers, stallholders, artists and buskers 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 relevant Council Officer for that venue or event.

4.6 Claims

Insurance claims under this policy directed at any party relying on this policy must be directed to Council's Governance Officer or Executive Manager Corporate Governance who will lodge the claim with the insurers as appropriate.

The insured party must not admit any liability, as this is determinable by the insurance assessors and may breach the conditions of the insurance policy.

4.7 Policy deductible (excess)

In the event of a claim, a policy excess applies and is payable by the insured party. (In 2020-21 the excess is \$500 'for each and every claim or series of claims arising out of any one occurrence'.)

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4.8 Policy subject to change

The provisions of this policy are subject to changes in the Community Liability insurance policy on an annual basis following renewal negotiations.

Should a conflict exist between this document *CP-CBS-SG-025 Community Liability Policy*, and Council's Community Liability insurance policy, the insurance policy shall take precedent.

5 LEGISLATION

There is no relevant legislation applicable to this policy.

6 RELATED DOCUMENTS

Current Community Liability Insurance Policy – Burnie City Council
 Written Hire Agreements relative to each venue or reserve

Policy Endorsement	
Responsibility:	It is the responsibility of the Executive Manager Corporate Governance to administer this policy and ensure the relevant insurances are maintained in accordance with the policy. It is the responsibility of the Governance Unit to maintain this policy in the corporate document framework.
Minute Reference:	AO173-20
Council Meeting Date:	21 July 2020
Strategic Plan Reference:	Strategy 7.1.1 Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable. Strategy 7.8.1 Develop an integrated approach to risk management from the strategic level through to the activity level.
Previous Policies Replaced:	This policy replaces the previous policy <i>CP-CBS-SG-025 Community Liability Policy</i> version 7.0 dated 17 September 2019, Item Number AO249-19.
Date of Commencement:	22 July 2020
Publication of policy:	Members of the public may inspect this policy at the City Offices, or access it on Council's website (www.burnie.net)