



Whitehorse City Council
379-397 Whitehorse Road
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CASUAL HIRERS INSURANCE INFORMATION

The purpose of the Casual Hirers Insurance is to provide an insurance option for groups or individuals who do not carry their own public liability insurance but wish to hire Council reserves or facilities. This information sheet is to explain in simple terms the requirements and limitations of Council's Casual Hirers insurance policy and is a guide only.

Public Liability

The hirer must provide to the Council Officer, a valid Certificate of Currency of their own Public Liability Insurance Cover from their Insurance Company, before the facility can be used. In the event of the hirer not being able to provide the Certificate of Currency from their own insurers, Council can offer insurance cover (subject to conditions and exclusions) from a "Public/Products Liability Insurance Scheme – Casual Hirers of Council Owned or Controlled Facilities" for various hirers of Council Owned or Controlled facilities.

Hirers of Reserves and Facilities

Council carries a Casual Hirers 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 birthday party being held in a reserve, or hobby group hiring a meeting room.

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
- Hirers undertaking certain activities such as sporting activities, markets, fairs, dances and shows, rock concerts.
- Persons or groups undertaking child minding or childcare services
- No 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
- Incorporated Groups or associations - When a club or community group incorporates, it becomes a 'legal person' – that is, a legal entity that stays the same even if its members change. Therefore, they are required to have their own insurances, including public liability and professional indemnity.



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This Policy Does Not Cover:

- **Participation:** Personal Injury or damage to property of any person caused by or arising out of the participation of such person or his property in any game, match, race, practice, trial, or other sporting activity (including but not limited to swimming, gymnastics, health and fitness activities). Personal injury or property damage of any person caused by or arising out of the participation of such person or his/her property in any performances, activities associated with any acts of performance being conducted by the performers or entertainers.
- **Security Personnel:** Personal injury or property damage arising directly or indirectly out of or caused by security personnel.
- **Amusements:** Property Damage or Personal Injury caused directly or indirectly out of the operation of Amusements.
- **Rock/Pop Concerts:** Personal Injury or Property Damage of any person caused by or arising out rock/pop concerts.
- **Remotely Piloted Aircraft/Drones:** Property Damage or Personal Injury arising from Remotely Piloted Aircraft/Drones
- **Fireworks/Pyrotechnics:** Property Damage or Personal Injury arising from handling, supply, discharge or firing of any Pyrotechnics, Fireworks or Explosives
- **Sub-Contractors:** Personal injury or property damage caused by and/or to the sub-contractors directly/indirectly related to the activities of any sub-contractor.

It is a requirement as a condition of use, for all other hirers not covered as a casual hirer under Council's Casual Hirers Liability policy to maintain public liability insurance extending to the use, activity and premises being hired. The hirer must provide a copy of the Certificate of Currency to the Council Officer prior to the facility being used and such cover to be not less than twenty million dollars (\$20million) or such other amount as determined in consultation with the Council's insurance brokers.

Hire Agreements

Casual hirers will not be covered by Council's Casual Hirers 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. The decision as to whether the policy will extend to any particular hirer, booking or event, will be made by Council Officers, acting upon advice from Council's insurance broker.

Risk Management Responsibility

All casual hirers of Council reserves and facilities 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 Council Officer dealing with the hire agreement.



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Payments for Hire of Council Facility/Venue

Payments made to Council have the effect of discharging the liability of Council in respect of the public liability insurance product in relation to the person or organisation receiving the benefit of the insurance, to the extent of the payment.

Claims

The Council should be immediately informed of any know or reported circumstances that can give rise to a potential claim. Insurance claims under this policy directed at any casual hirer should be directed to Council's Risk, Health and Safety Team by contacting them on (03) 9262 6185 who will then lodge the claim with the insurers. The hirer must not admit any liability, as this is determinable by the insurance assessors and may breach the conditions of the insurance policy.

Policy Deductible (Excess)

In the event of a claim, a policy excess applies and is payable by the hiring group or individual. (In 2019-20 the excess is \$250.00 for each and every claim or series of claims arising out of any one occurrence.)

Policy Subject to Change

The provisions of this policy are subject to changes in the Casual Hirers Policy on an annual basis following renewal negotiations. Should a conflict exist between this document and Council's Community Liability Insurance policy, the insurance policy shall take precedent.

Confirmation of Cover

Upon completion of the application and all required supporting documentation, City of Whitehorse will review accordingly and advise the applicant of their eligibility to rely on the insurance.

Date adopted: 1 July 2019

Review Date: 1 July 2020

People and Culture / Risk, Health & Safety – Risk Management Consultant

