

Memorandum

To:	Branch Presidents, Branch Directors of Surf Sports, Club Presidents, Club Directors of Surf Sports, Team Managers, Officials, Competitors
From:	Don van Keimpema, Director & Chair Surf Sports Standing Committee Phil Ayres, COO SLSNSW
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Subject:	Insurance Coverage - Participation in Surf Sports Events/Special Events

With the commencement of the Summer Surf Sports Season, it is timely to review the scope and extent of insurance coverage for participating members. As with most sporting and volunteer bodies, SLSNSW via its insurers offers Personal Accident cover for members participating in authorised SLSNSW activities. As a volunteer emergency services, SLSNSW members are also covered by iCare (workers compensation) to the extent of their role in lifesaving activities only.

There are therefore two ways in which members may be covered for Personal Accident:

1. via iCare (Workers Compensation)
2. via the SLS Group Policy (Marsh Insurance Brokers and the respective underwriter)

Members should be aware the benefits available under the two policy types are different, and in most cases the benefits made available under the iCare provisions are generally more favourable to the individual claimant than via the SLS Group Policy. Notwithstanding, the benefits available via the SLS Group policy compare well against similar policies available to participants in other sports or similar organisations.

All coverage under iCare is as per the legislation which applies to emergency service volunteers. Lifesaving activities is specifically noted in the legislation. Injuries which occur whilst undertaking core lifesaving activities, for example patrolling, support services, training etc are covered under the iCare scheme (subject to approval of the claim). In addition, as surf sports is considered a means to maintain 'rescue readiness', members training for and participating in events within the Surf Sports Manual are also eligible to claim under iCare. This generally means end of season camp style activities are not covered via iCare.

However, there are some exceptions which carnival organisers, officials and competitors must be made aware of which may mean the member is ineligible to claim for personal accident coverage via iCare. Where iCare does not respond to a claim, SLSNSW will assist members to make a claim as part of the SLS Group Personal Accident policy (Via Marsh Brokers). Again, all claims are subject to approval by the insurer.

There are six distinct scenarios which impact where and how insurance coverage when participating in surf sports (and other activities) events applies.

1. Traditional Surf Carnival Conducted by SLS Entity (eg club, Branch etc)

These are carnivals and events which are described specifically in the Surf Sports Manual and are conducted in accordance with the rules, including risk management processes, water safety, competitor age with respect craft used etc. In these events there is no prize money or vouchers for individual competitors or prizes of a material

value (ie medals are acceptable). In the event of an injury, members are eligible to make a claim under iCare provisions.

With respect to event liability and liability coverage for members as officials, organisers and participants – this is covered via the SLS Group policy which all clubs and members are covered under.

2. Where Prize Money is Offered

Regardless of the ownership of the event, where prize money is offered to an individual (or team, where team members ultimately obtain a portion of the prize money), claims to iCare do not apply. This includes SLS owned events (State, Branch or Club) as well as those administered by private promoters such as Summer of Surf. Prize money includes cash, gift cards or items with a tangible monetary value e.g., surf craft. Competitors are still able to make a claim under Personal Accident coverage provided by the SLS Group policy if the event is conducted per the Surf Sport Manual.

Where prize money is offered, but it is provided to the club and not the individuals, members may claim under iCare. However, money or goods cannot be subsequently provided to individuals by the club.

With respect to event liability and liability coverage, where the event is owned and operated by the SLS entity, coverage for members as officials, organisers and participants is covered via the SLS Group policy which all clubs and members are covered under. Where the event is owned and operated by a third party, liability coverage is as per the section on “Special Events” below.

3. Event owned by a Club or Branch, with a private promoter providing marketing assistance

In this example, clubs, officials, and competitors are considered to be operating under the SLSNSW insurance policies for both the event’s liability, and liability of the officials, organisers and participants. Where prize money **is not** offered, personal accident coverage is as per scenario 1, and where prize money **is** offered Personal Accident coverage is as per scenario 2.

The independent marketing promotor (in this example Summer of Surf) requires its own insurances for the activities they are undertaking. ie public liability insurance.

4. Event owned by Independent Promotor with Club/Branch providing staging assistance and water safety.

In this example all event responsibility for staging and therefore liability for all aspects of the event rests with the independent promotor under their own insurances policies. Regardless of prize money being offered or not, participating competitors **are not** covered by either iCare or SLS Group Personal Accident coverage. Personal Accident coverage is the responsibility of the individual participant, or in some instances the promotor may offer coverage as part of the entry fee. Participants should refer to the entry form for such events to ensure they have a clear understanding of the provisions which are in place. An example would be Summer of Surf events at Coffs Harbour this season.

In some instances, SLSA and/or state bodies may have agreements in place with the promotor. In respect to where no individual prize money is offered, iCare arrangement would apply (eg ASRL events). Where prize individual prize money is offered, the SLS Group Personal Accident coverage would apply to members. In these instances, this would be communicated as part of the entry form.

With respect to liability coverage for officials, water safety, first aid and other club work-party activities, SLSNSW will require the club/branch to complete a Special Event Application to define the scope of what they are undertaking for the event. SLSNSW and Marsh Brokers will confirm approval and thus cover for officials under the group insurance policy. It is important SLSNSW (and the club/Branch), would be required to be noted as an interested party in the independent promotor’s liability coverage. This should be provided to SLSNSW as part of the Special Event Application.

5. Officials Duties.

Where officials are engaged to conduct duties at an Independent Promotor event, it is important that those officials are operating under the normal SLS duty frameworks (Officials roles, SEMC, Water Safety etc). This is critical to ensure any liability risks officials are exposed to is mitigated by SLS SOPs recognised by the insurer and thus allowing SLSNSW to extend typical insurance coverage to officials at independent events. In addition, SLSNSW would need to be named as an interested party on the independent promoter's public liability policy.

6. Special Events

Any and all activities which clubs/branches undertake which is not a core SLS Activity or are sport events not specifically covered in the Surf Sports Manual (eg club training camps, nippers post season camps, attendance for first aid provision at school fetes, water safety at ocean swims or triathlons etc conducted by 3rd parties, clubs conducting their own ocean swim events etc), **MUST** be pre-approved by way of a Special Event Application.

Special Event Applications allow SLSNSW (utilising the review and recommendation by the Branch) to consider the nature of the activity/event and the event structures and risk management framework in considering to approve the event. Similarly, Marsh Brokers will review the activity/event and liaise with the specific insurer to confirm if the activity/event sits within the SLS group policy. Marsh will also advise if any Special Conditions are required to be undertaken by the club in staging the event and/or any additional levy's which maybe applied. Its currently normal for an \$0.80 levy per participant to be applied for activities such as ocean swims etc.

There may be instances where upon review, particular activities will not be covered under the SLS Group Cover. This may either be part of a wider activity or the activity in its entirety. For example, the pre-season nipper camp may be covered with a special condition that the go karting fun day is not covered. This will be communicated as part of the approval process.

This can be a complex and confusing area to manage. We would encourage club/branch officials to liaise with the SLSNSW office to ensure there is clear understanding of the nature of the event and the applicable coverage which may apply prior to the event taking place.

FAQs

1. **Are cash equivalent prizes allowed to be distributed to clubs without impacting personal accident iCare coverage?** Yes, so long as the cash equivalent prize, or portion thereof, isn't passed onto the competitor.
2. **Are trophies / medals or other intrinsically valued items considered cash prizes?** No. A good way to determine if a prize is a cash prize is to determine if it could be 'turned into cash' via sale.
3. **Are members covered under events which sit outside the SSM, such as an enduro event?** No, hence why the host club/branch is required to submit a Special Event application. Based on advice from Marsh, a small levy may be required to be placed on the entry fee to ensure members are covered for personal accident / injury cover.
4. **Does SLSNSW discourage Branches from distributing cash prizes at events?** No, however, we ask that the host club/branch inform competitors that they won't be covered under iCare (workers compensation) in the Entry Circular and note they will be covered under the SLS Group Policy. All claims are subject to approval by either iCare or SLS's insurers.

5. **What if a special event form isn't lodged/declined?**

Clubs/branches will not be covered for activities requiring special event approval, have not been approved.
This may place exposure to the club and or individuals involved in the activities as well as the club executive

If you have any further questions, please contact:

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