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## ANSWERS TO FREQUENTLY ASKED QUESTIONS

### 1. Are guests/visitors covered by ATHRA's Public Liability Insurance?

Yes. Guests and visitors are covered whilst participating in sanctioned events provided their name is recorded in the Ride Attendance Register.

### 2. Are we covered for social functions?

Yes, if limited to less than 50 participants, you do not need prior written approval. If a function is going to have more than 50 participants, more planning is probably required. One element of the planning will be to notify ATHRA's Insurance Coordinator in writing through your Regional Manager so that it can be approved.

### 3. Does Public Liability Insurance cover Social members at club functions even though they will not have paid full ATHRA membership?

ATHRA has Adult, Junior and Social membership categories, all of which are covered by insurance at sanctioned club functions, provided the member is financial. Day members (Ride Visitors) who have paid the appropriate fee to participate are also covered.

Some clubs have their own social memberships, which do not pay the ATHRA insurance component. Such club social members are not covered by ATHRA's insurance policies.

### 4. Are our committee members covered?

Yes. Official position holders and committees of all affiliated clubs as well as ATHRA administration position holders are covered for Association Liability which insures liability arising against the committee in respect of acts, errors or omissions arising out of the operation of the committee.

### 5. Does ATHRA's public liability policy cover property owners?

Yes. Property owner's interests are covered for that component of their property that is being utilised by an ATHRA club. The property can also be endorsed on our policy as an "Interested Party" if required.

### 6. Are instructors covered by ATHRA's policies if providing instruction at a Horsemanship Clinic/Education Day?

#### Scenario 1 – Volunteer instructor and no fee paid:

Where a club is hosting a Clinic/Education Day or similar event and the trainer/instructor, whether a member or not, is a volunteer not being paid for their services, *the trainer/instructor and participating members are covered under ATHRA's Public Liability & Personal Accident policies*, (subject to all exclusions and conditions in the policy wording).

The club must ensure the name of the Instructor, their signature and role as "instructor" are recorded in the Attendance Register.

The Trainer/Instructor may be paid a maximum reimbursed of \$200 for out of pocket expenses such as fuel. The club may elect to pay reasonable legitimate expenses for accommodation and meals incurred by the Trainer/Instructor as a result of attending the event.

### **Scenario 2 - Paid Instructor:**

Where a club is hosting a Clinic/Education Day or similar event and the club or participants pay the instructor for their services, *the trainer/instructor must have their own insurance and provide a certificate of currency to ATHRA*. The club must submit a Special Event Application in accordance with Rule 8.1 of the Code of Conduct. Full details of the commercial arrangements with the trainer/instructor and their *Certificate of Currency* must be provided with the SE Application.

Once the event is approved as a Special Event all ATHRA member participants are covered by ATHRA's insurance policies.

*The paid trainer/instructor is not covered by ATHRA's policies and is liable for any proven negligence claim made against them, regardless of whether the trainer/instructor is a member or not.*

### **7. Are members covered by insurance while pre-riding and marking out the trail for a scheduled club ride? The pre-ride is on a different date than the club ride.**

Yes. Members are covered on pre-ride recognizance rides, however the pre-ride must be sanctioned by the club. Refer to IMS-GU-020 Trail Ride Organisation Plan.

### **8. Are non-riders, who are not ATHRA members, covered at club events such as campouts?**

If the non-rider is not an ATHRA member they are not covered by insurance. If however the non-rider is carrying out official support activities for the club they are covered by insurance provided their name and delegated duties are documented in the Ride Attendance Register for the event.

### **9. Can a rider who has previously been an ATHRA member attend a club ride as a prospective member/visitor?**

Yes, provided: they are listed in the Ride Attendance Register; have signed a current Risk Warning and Waiver form, provided a signed Parental Consent and Indemnity form if under 18 years; have provided personal details as required; and have paid the applicable fee.

A past member is considered to be the same as a "prospective member".

### **10. Are children covered while travelling in a harness vehicle?**

Yes. However, as with riding horses, those under 18 years travelling in a harness vehicle must be wearing an approved helmet.

### **11. Are guest speakers who are invited to address members at a club meeting covered by insurance?**

Yes. Guest speakers are covered provided the club or members do not pay them. If the guest speaker is paid they are not covered and must provide their own insurance cover.

### **12. Are riders who are members of other horse organizations (i.e., pony club, endurance riders) covered by that particular organization when taking part on ATHRA affiliated rides?**

No. These riders need to be treated as prospective members, just like any other rider who is not an ATHRA member.

**13. Our catering is being looked after by an outside organization. Are they covered by ATHRA's insurance?**

No. You must ensure that they have a current Products/Public Liability policy. ATHRA's insurance does not cover external service providers. (ATHRA recommends that you obtain from them written proof of insurance cover.)

**14. What does our Club do if the property owner and family have already ridden twice with the Club and can no longer be considered a visitor?**

Should these riders be necessary to guide you through their property then these riders are considered as having a specific duty (Navigators) and as such are covered by ATHRA Insurance. This is predicated on the assumption they have been briefed by an ATHRA member on the requirements and aspects of the ATHRA Code of Conduct. Their name must be listed on the club's Ride Attendance Register together with their role for the day.

**15. We have a person who would like to join as a member of the trail-riding club but she has a horse and sulky - she doesn't ride. Is she covered by ATHRA insurance?**

Yes. The person is covered by ATHRA's insurance whether they are a rider or 'driver' of a sulky. Having said this, many clubs don't provide/allow harness vehicles on their rides, the reason being that the rides are then restricted to areas which would be accessible to both horse and harness.

Generally speaking, most club rides travel over a wide variety of terrain including single file type tracks, some of which are rocky and inaccessible to harness vehicles. Some clubs also have concerns about mixing horses and harness vehicles on rides as they find that a lot of horses become nervous around the harness vehicles. Your club has to decide whether you will be prepared to provide harness accessible rides or not.

**16. Can we get insurance cover through ATHRA to cover ourselves for general riding - not official club rides?**

Yes, ATHRA's insurance partner Affinity Insurance Brokers has structured a number of insurance components specifically for ATHRA members. These include Horse, Public Liability, Personal Accident, Float, Tack and Vet fees. The individual ATHRA member decides which components and to what value they want covered.

You can contact Affinity on 03 8587 7777 to discuss your needs and obtain a quote.

**17. Are members covered by ATHRA's insurance when on 'private' rides?**

**a) Personal Accident Policy**

No, members are covered only when participating in official ATHRA/club sanctioned activities.

These activities must be either documented in minutes or listed as an official club activity in newsletters. This also covers associated activities such as pre-rides or rides to check out tracks and routes – these would also have to be authorised by the club committee and/or noted in minutes. (The exception to this is if they have taken out their own personal insurance as per item 16 above).

**b) Public Liability Policy**

Yes, from January 2015, 24/7 member Public Liability insurance cover is provided to cover ATHRA members for negligence based third party personal injury and property damage claims, but does not provide cover for personal accident benefits.

This benefit is an extension of the previous ATHRA liability coverage and now includes a 24/7 members' public liability cover for your personal horse trail riding related activities. This would include riding or training your horse on private property as well as public lands, loading or unloading your horse at any of these locations just as an example of what would be covered.

The limit of liability remains at \$20M.

To be eligible to claim on this policy:

- You must be a current financial member of ATHRA, and
- You are participating in a non-income earning equine related trail riding activity, and
- The activity is relating to your own horses (or horses clearly in your control), and
- There is no other policy applicable or available to call on in regards to this activity (business, property owners, other association activity, etc).

This policy does NOT cover:

- Non equine related activities, or
- Income earning activities or activities where remuneration is involved (eg paid horse breaking, horse sales etc), or
- Property owner's liability (not intended to cover horses out in the paddock at home; you should have a farm pack that covers you for this), or
- Events or activities sanctioned or run by other associations or entities, or
- Other people riding your horse or horses.

An excess will apply for each and every claim (\$2,500 payable by the member).

**18. Are members over 80 years or under 5 years covered by ATHRA's personal insurance policy?**

No. Members under five years or over 80 years are not covered by the Personal Accident Policy. However, they are covered for public liability. (Note the 80 years of age is already an extension to what is generally available elsewhere.)

**19. How is a club's insurance affected on a ride if the person navigating the ride is not a member of an ATHRA affiliated club? This navigator is the only person on the ride who knows the route being taken.**

When a non-member is requested to navigate a ride, then this person falls into the category of a volunteer for insurance purposes, and is fully covered by the ATHRA policies. The navigator or guide rider must be accompanied by the designated Lead Rider, who is solely responsible for the control and pace of the ride. The guide has no administrative role other than to provide direction of travel. Their name must be listed on the club's Ride Attendance Register together with their role for the day.

**20. When does coverage start and end at a Ride?**

Your "Personal Accident" policy covers you travelling to and from and whilst participating and/or attending sanctioned events and activities of ATHRA affiliated clubs.

Your "Public Liability" policy starts when you arrive at the event and ends when you depart the ride. This does not include loading/unloading your horse or driving to or from the event.

The "Association Liability" policy covers position holders when conducting and acting on behalf of the ATHRA organisation either at a National, Regional or Club level.

**21. Can our club hold a 'last minute' ride, and still be covered by insurance?**

Yes, provided the ride has been approved by the club's committee in writing and all members are advised of the ride details.

**22. During a club ride can the ride be split into a 'fast' group and a 'slow' group?**

Yes, provided both groups comply with the requirements of ATHRA's Code of Conduct. This includes lead/drag riders, trail stewards, first aid officer, communication devices, and Trail Boss etc for each group.

**23. If our club is invited to take part in a parade is this covered by ATHRA's insurance?**

No. Insurance coverage is the responsibility of the group organizing the parade. ATHRA insurance is only for events under the direct control of ATHRA organizers and clubs.

**24. If a rider is late for a ride, doesn't sign the Ride Attendance Register and catches up to the ride, would that rider be covered?**

If the person is a member and it is a sanctioned ride, the member is fully covered.

Rule 3.10 of the Code of Conduct provides that participants must sign the Ride Attendance Register prior to each ride or event and must obey all reasonable instructions from ride officials at all times.

ATHRA encourages clubs to ensure that all participants sign the Ride Attendance Register prior to the commencement of the ride, except in exceptional cases. This assists ATHRA and the club to fulfill their obligations to the insurer to maintain accurate records of participants in all rides and events.

Some clubs have a policy that riders cannot participate unless they first sign the Ride Attendance Register. In any case it is incumbent upon clubs to make sure there is an accurate record of all participants on each ride/event.

**25. If a junior member and his/her guardian chooses to let the junior rider ride in a non compliant helmet and has been told specifically that it doesn't comply, are the other riders still covered?**

All members are always covered for personal injury. All members are also covered by our Public Liability policy.

An exception to this may occur in the event that a court of law determines that the parent/guardian is negligent by not ensuring the junior's compliance with relevant road laws and/or the ATHRA Code of Conduct. In such a case this may negate any compensation payable to the injured person from the ATHRA Personal Liability Insurer. Further, those who gave the permission to ride in the non-compliant helmet may be held liable.

**26. Are we able to hold Show Jumping as a Special Event?**

Yes, show jumping comes under the definition of a Special Event.

There are added risks to participants and risk mitigation strategies must be in place. Special Event submissions must reach the Insurance Coordinator six weeks prior to the proposed event. The Insurance Coordinator may refer the application to the insurer.

**27. Some members would like to have a jumping day at our club grounds with an instructor, are we covered for this (the instructor is donating their time)? Would this also be classed as a Special Event?**

An event other than a normal club Trail Ride is considered to be a "Special Event".

Refer to item 6 above for information on whether the instructor is covered or not.

ATHRA members are covered provided the event is conducted in accordance with ATHRA's Code of Conduct and the event has been approved through the normal "Special Events" approval process.

**28. If a club member is not wearing proper riding boots (eg sandshoes, etc) and has an accident, are they still covered by insurance?**

ATHRA's Code of Conduct Rule 3.8 makes it compulsory to wear appropriate footwear which prevents the foot slipping through the stirrup. Sandshoes are inappropriate footwear and the ride/club officials should not allow the member to participate unless and until they comply. To do otherwise may place officials of the ride/club in legal jeopardy.

**29. I noticed that it is recommended that horses be adequately shod for the rides. I ride my horse in Old Mac boots on the front hooves. Is it possible to use these on a club ride rather than conventional metal shoes?**

ATHRA's Code of Conduct Rule 6.4 states: "Participants at ATHRA trail rides or events must ensure that their horse's feet are adequately conditioned and/or shod to ensure the horse's soundness and safety".

The decision whether horses must be shod or not is up to the individual club. Some clubs enforce that all horses must be shod, while other clubs may only recommend horses be shod for specific rides (i.e., rocky ground, forestry roads, etc). Most clubs would permit you to take part on their rides with your horse using some form of boot protection, however you would need to confirm this with the particular club of interest.

**30. Are hackamores allowed to be used on club rides?**

Allowable tack and other horse riding equipment used by members is not an issue as far as insurance is concerned. There is no mention of conditions relating to riding tack in the current insurance policy. However, ATHRA's Code of Conduct Rule 3.15 states: "riding with a halter is only permitted where a rider has demonstrated effective control".

**31. Do junior riders have to wear helmets?**

ATHRA's Code of Conduct rules 3.23 and 3.24 state that riders under 18 must wear an approved helmet and that a parent or guardian must also accompany juniors under 16.

**32. If we loan our own horses to people who do not have a horse, are we adequately covered by insurance or do we need something more?**

If it is an ATHRA club organised and sanctioned event or ride, all of the members participating and the club are covered for both public liability and personal accident. Members are not covered when riding in their own time or on privately organised rides. Horses are not directly covered at all under any of the current policies.

Rule 3.29 of the Code of Conduct provides that, any horse where a fee has been paid for its use is not permitted at any ATHRA sanctioned trail ride or event, including Education Days, Charity Rides and Special Events.

**33. If a car injures a horse, is it covered by ATHRA's insurance?**

No. Horses are not directly covered at all under any of the current ATHRA policies.

**34. Are horse drawn vehicles covered if damaged whilst participating in club events?**

No. Horse drawn vehicles are not directly covered in the same way that horses are not covered. What is covered in this situation is any ATHRA club member who may be either driving or is a passenger on any horse drawn vehicle which may be participating in an official, sanctioned ATHRA club event (this means a normal event for that club, or an event which meets the criteria of the club's own rules and regulations). It is the individual's responsibility to insure their own property.

**35. Can riders ride bareback?**

No. ATHRA's Code of Conduct Rule 3.15 states: "The minimum equipment required is a saddle with stirrups and girth, and appropriate head gear". In appropriate circumstances, and in a controlled environment such as a camp, the Trail Boss may allow bare back riding when swimming horses if safety precautions are in place.

**36. Can riders double?**

No. Riding double is inappropriate for trail riding.

**37. Should I use Electric Fencing?**

All clubs should note that ATHRA recommends that when utilising electric fencing for containment of horses during ATHRA club rides, a secondary method of restraint should also be used (i.e. paddock fence, hobbles).

**38. What if my horse kicks?**

ATHRA recommends that members riding horses they suspect have a propensity to kick use a red ribbon in their tail or alternatively use the "Horse May Kick" stickers provided by ATHRA.

Riders should note the following Code of Conduct Rules:

Rule 3.12 - At all times horses remain the responsibility of their riders, and as such, riders should always be aware of riders/horses in their vicinity, to avoid potential danger.

Rule 3.13 - It is the responsibility of all riders to maintain appropriate control of their horse and to keep them out of kicking distance of other horses at all times.

It is every rider's responsibility to control their horse, and to be aware of other horses in their vicinity.

**39. Alcohol on the Trail?**

During a ride the blood alcohol level of a rider must not exceed .05 to comply with the applicable State road rules. No drinking of alcoholic beverages is permitted whilst mounted.

## VISITORS AND THE “TWO RIDE” RULE

### 40. When does insurance cover start and finish for Ride Visitors?

Ride Visitors are covered under the Personal Accident insurance policy and the Combined General Liability insurance policy during their participation in an ATHRA sanctioned event.

The insurance coverage commences at the time the Ride Visitor registers at the event location, and applies during the event and for the period required to travel home from the event at its conclusion. This travel period is capped at 12 hours for a single day event and 24 hours for an event held over two consecutive days.

### 41. Why do we have a Two Ride Rule?

It is the ATHRA members who cover the cost of insurance. The visitor rule is there for “potential member” purposes only. Visitors have the potential to pose a far greater risk and contribute little. Rule 9 of the Code of Conduct – Prospective Members - covers this further.

### 42. So what happens when riders attend a ride more than twice and they are not members?

If your club permits prospective members/visitors to ride more than twice, then that club is in breach of the Code of Conduct and is liable. Clubs that do not conform to the Code of Conduct may have their ATHRA affiliation withdrawn, thus leaving them open for personal liability claims.

### 43. When a rider participates in an ATHRA club Charity ride, does this count as one of their two rides?

Refer to Code of Conduct Rules 7.9, 7.10 and 7.11. Yes, but they may only participate for a maximum of 2 days, regardless of the hours involved, must be briefed on the ride rules and the requirements of the Code of Conduct, and be conscientiously monitored for safety issues during the ride. These provisions also apply to Special Events.

### 44. If a new rider is having their third ride with us and becomes a member, is it OK to join on the day of the ride or does it have to be done beforehand and the paperwork of to ATHRA before the ride?

There is no problem for the person to join up on the day of the ride. Once someone pays their fees to the club representative (usually the Secretary or Treasurer) and receives a receipt in return, they are considered to be covered by ATHRA's insurance policies. The person should hold onto this receipt if attending rides with other clubs until they receive their ATHRA membership card.

### 45. If a visiting rider has participated in one ride with your club and one ride with another club, can they take part in another ride with your club before becoming a member?

No, the two ride rule is based on the total number of rides per year with all ATHRA clubs, not just your club.

ATHRA recommends that non-members should be encouraged to become fully paid up members at the earliest possible time (i.e. one or two trial rides only). It is recommended that clubs charge a substantial ride fee (eg, \$20.00-\$35.00) to actively encourage prospective members to become full members as soon as possible. The visitor rider should not participate in any more than two club rides in total. Again, see Rule 9 of the Code of Conduct for more information on this.

**46. Are people who ride on the two trial rides before joining the club, covered by insurance (ie, before they have paid ATHRA membership)?**

Yes. Non member riders, riding as either guests or as prospective ATHRA members on official ATHRA organised events are fully covered by ATHRA's current insurance policies, provided they are listed in the Ride Attendance Register; have signed a current Risk Warning and Waiver form, provided a signed Parental Consent and Indemnity form if under 18 years; provided personal details as required; and paid the applicable fee.

**47. General Enquiry - Scenario**

"If a non-rider is not an ATHRA member they are not covered by insurance. If however the non-rider is carrying out official support activities for the club they are covered by insurance so long as their name and delegated duties are documented in writing before the club event.

"Does this mean that if someone's partner or children turn up to have lunch with us after a ride they are not covered? For example my brother brought his disabled son out after our ride last week for lunch. My brother's son (my nephew), eager to show everyone his bowling score of the morning, ran up to one of our other members behind her horse. Luckily the horse is quiet and nothing happened but if he had of been knocked over he obviously would not have been covered?"

*Response*

In this scenario, let's say your nephew startled the horse, he got kicked and injured, and the rider fell off and broke their arm or leg. The horse being startled caused damage to cars or property.

The following is a likely scenario that could transpire from a legal perspective:

The rider is a member of ATHRA and is insured for loss of earnings and damage caused by their horse. Your nephew is not insured and a claim may be made against him as he (or his guardian) may be guilty of negligence for running up and startling the horse causing the rider to sustain injuries and the horse damaging cars and property.

If there were any payout by our insurance to either the injured member or for the damage caused by the horse, the insurance company may endeavour to recover those costs from the negligent party, in this scenario possibly your brother or nephew. In all cases negligence needs to be proven.

**ADDITIONAL CLUB INFORMATION**

**48. What is the process for a member to be appointed a life member?**

If a club decides to appoint life membership to one of its members, the club must also accept the responsibility of paying ongoing club and ATHRA fees for that member.

**49. Where do we put the Risk Warning Sign?**

One is to be placed in a prominent location (e.g. where registrations are taken) however it is recommended that additional signs be erected in other "high traffic" areas.

**50. How long do we retain the Pre- and Post-Ride documentation? What about other documentation and why is there so much documentation these days?**

All documentation must be retained by the club, and must be available for auditing purposes at any time by ATHRA or the insurance company. There is a legal requirement in Australia that such documentation be retained for a statutory period of 7 years.

**51. Do we have to become an incorporated association to operate as a trail-riding club? If we are affiliated with ATHRA are we covered under its rules and therefore don't have to be a separate incorporated body?**

Affiliated clubs are not individually covered by ATHRA's incorporation. ATHRA strongly recommends that your club becomes incorporated. By doing this, no individual member can be sued (unless negligence can be proven on any one person).

It is very wise for new clubs to become incorporated as this protects the club's committee members from litigation. Nothing can stop a person or a club being sued however incorporation minimizes the club's financial liability.

**52. What is a sanctioned ride?**

Sanctioned rides (also known as ATHRA authorised rides) are rides minuted by your club and/or noted on your ride calendar.

**53. What is Duty of Care?**

In the context of horses and trail horse riding, it would mean taking reasonable care to protect member/riders and others/general public from foreseeable harm or loss.

**54. Why do I have to sign the Risk Warning and Waiver form, and provide a signed Parental Consent and Indemnity form Waiver form for Juniors?**

Following the demise in 2001 of HIH, a giant of the insurance industry, the federal government and the insurance industry established a working group that resulted in a Code of Conduct being mandated for all activities that had an inherent risk. ATHRA and our insurance company have worked together to minimise the impact to our organisations. The Code of Conduct, the Risk Warning and Waiver form, and the Parental Consent and Indemnity form have been developed to ensure the viability and continuity of our insurance coverage and of ATHRA.

Basically, the reason for these two forms is to offer some protection to ATHRA by having the members acknowledge that they are undertaking an activity with inherent risks and to accept that they are responsible for their own actions.

Signing the forms does not affect the person's right to make a claim on ATHRA's personal accident policy, and they do not reduce the right of an individual to sue for a provable negligent act.

The Risk Warning and Waiver form (and the Parental Consent and Indemnity form where appropriate) need to be signed by all new or renewing members, or in the case of day riders ... before they ride out. Both forms should be retained by the club with the club records. The only Waiver form now formally recognised by State Governments for our activity is the Waiver form being circulated and distributed by ATHRA and our insurance broker.

The Waiver and Parental Consent forms are to be used for Charity Rides and Special Events, with no requirement for current members to sign additional copies for the Event.

#### **55. Caveat**

All answers are provided subject to the terms and conditions of the relevant insurance policy. ATHRA reserves the right to amend or revise these FAQs without notice.