

# FREQUENTLY ASKED QUESTIONS

## **THIS SECTION IS PREPARED BY MARSH INSURANCE BROKERS.**

It is not intended to be an all encompassing response to various risks faced by Show Societies. It is only intended to be a guide. If you have any doubts please contact Marsh. You are also welcome to seek legal advice. You may want other aspects canvassed in this section and we welcome any suggestions in that regard.

## **WHERE ANOTHER ENTITY OWNS THE SHOWGROUNDS**

If a Council or other entity owns the showgrounds and the Show Society has a lease/licence or any agreement with the Council (or other entity) to occupy the showgrounds, please provide Marsh with a copy of the lease/licence or other agreement.

It is important for our purposes to scrutinise the insurance and indemnity clauses of the agreement. For instance, it may be a requirement of the agreement that the Show Society must name the Council or other entity as an insured on the Society's policy of public liability insurance.

Please note too that there is an additional insurance for this under "Liability Insurance for Trustees"; with respect to which Marsh is required to charge an additional premium.

## **INCIDENT REPORT FORMS - PUBLIC LIABILITY**

### ***Q: When do I complete an incident report form?***

You must complete an incident report form for any incident, no matter how minor, which occurs on the showgrounds. Note that it is not only incidents at show time which must be reported. Incidents which occur throughout the year must be notified as well.

Incident report forms must not only be completed where a person has sustained an injury. They must also be completed where a person's property has been damaged.

There are two incident report forms for use by Show Societies. One is to be used by any first aid provider engaged by the Show Society and the other is to be used for all other incidents.

## **INCIDENTS REPORTED - ALL OTHER CLASSES**

This should be done in a timely manner as the underwriter may penalise the Show Societies for late notification.

## **PROPERTY INSURANCE UNDER INSURANCE**

It is important that all Show Societies review their sums insured to ensure that in the event of a claim that Under Insurance is not evoked and the show society is penalised for not insuring property for the full value.

## **ISSUES TO CONSIDER FOR SHOWS**

### **EXHIBITORS**

#### ***Q: Do all exhibitors have to produce evidence of public liability insurance?***

Yes. All exhibitors must produce evidence of public liability insurance. This evidence is usually in the form of a certificate of currency, which is issued by the exhibitor's public liability insurer.

Ideally, any person who exhibits at the Show must produce evidence (i.e. a certificate of currency) that they hold a current policy of public liability insurance.

Also the exhibitor ought to arrange for the Show Society to be named as an insured on their policy of public liability insurance. When this is arranged, the fact that the Show Society is a named insured, will be evident from the certificate of currency.

Marsh are happy for certificates of currency to be referred to us.

#### **Q: What if the exhibitor does not have public liability insurance?**

The starting point is that all exhibitors must have public liability insurance. If however an exhibitor does not have such insurance; they may simply be exhibiting a cake in the dark rich fruit cake competition, it would be reasonable not to require the person to take out public liability insurance.

In these circumstances however, the exhibitor must sign an agreement with the Show Society. The agreement provides that the person indemnifies the Show Society with respect to any loss or damage caused as a result of their exhibit.

Any person who objects to signing the agreement might not be permitted to exhibit.

For show societies which operate markets, Marsh can arrange marketholders and stallholders insurance respectively.

## **PARTICIPANTS IN SHOW EVENTS**

### ***Q: Do all participants in show events have to sign a waiver?***

Yes. All participants in show events must sign a waiver form.  
This includes all participants in horse, cattle and other events.

Any person who is showing an animal at the Show must sign a waiver form.

We understand that this has caused some challenges with the Canine Control Council of Queensland however the standard requirement is for each participant to sign a waiver form.

### ***Q: What if the participant is under 18?***

The parent or guardian of the participant must sign the waiver form on behalf of the participant.

## **ENTERTAINMENT PROVIDERS**

If an operator is providing entertainment (e.g. a ride in side show alley; entertainment in the main ring; fireworks), they must not be permitted to attend at the show unless they:

- provide a copy of their certificate of currency to the Show Society
- (except for Showmen's Guild affiliated members) enter into an agreement with the Show Society

Do not under any circumstances agree to indemnify any entertainment provider or, for that matter, any exhibitor at the showgrounds.

The Show Society should not take on any liability for any other party.

You should ensure that the entertainment provider has public liability insurance to cover them for all of the activities which they plan to provide at the show. For example, if a business which provides camel rides and races, has public liability insurance to cover people having camel rides but does not have cover for people racing camels, the Show Society ought to abandon the camel races at the show.

The Show Society should also check the Business Description to ensure that the Entertainer/Provider of the Certificate is insured for the activity that they are endeavouring to carry out.

## MARKETS AT SHOWGROUNDS

Show Societies which run markets on the showgrounds ought to:

- Produce a copy of any agreement, where the markets are run by another entity. For instance, a local school may run the markets. The Show Society may permit the markets to be held on the showgrounds and receive a fee from the school. There must be an agreement between the Show Society and the local school or other entity which runs the markets. It would be a requirement of the agreement that the Show Society be named as an insured on the policy of public liability insurance which is effected by the school or other entity which runs the markets.
- Implement (and document) a risk management inspection program. Such a program could be undertaken on a weekly basis and incorporate inspection of the grounds, particularly in areas where a high volume of pedestrian traffic is anticipated (eg. inspections for pot holes; drains; grate covers; depressions in roadways used by patrons) and maintenance (eg. mowing; highlighting trip hazards with yellow linemarking paint). Each inspection should be documented. Likewise, a maintenance register should be maintained. The maintenance register/diary would contain details of any maintenance undertaken on the showgrounds.
- Require all stallholders to produce a copy of the certificate of currency of their public liability policy; before they commence trade at the markets.

It may be that a particular stall holder does not have any requirement to obtain public liability insurance (eg. they may not be a business owner).

Require all stallholders to sign an agreement with the Show Society whereby the stallholder agrees to indemnify the Show Society for any loss or damage caused by their occupation of a stall at the showgrounds.

Eg. John Smith runs a weekly produce stall at markets run by the Tip Top Show Society. He sells tomatoes which he has grown himself. John does not have a business and does not have public liability insurance. John did however sign an agreement with the Tip Top Show Society whereby he agreed to indemnify the Show Society with respect to any loss or damage sustained as a result of the operation of his stall at the markets.

Sharon Jones is attending the markets with her daughter and slips on a tomato directly outside John's stall. sustained a fracture to her right ankle and requires surgery at the local hospital. John knew that the tomato had fallen from the table to the ground but had not picked the tomato up. brings a personal injuries claim against the Tip Top Show Society.

The Tip Top Show Society can rely on the agreement signed by John with respect to which he agreed to indemnify the Show Society for any loss or damage arising as a result of his operation of his stall.

As John does not have public liability insurance, he could personally be responsible to the show society in terms of 's compensation claim.

Obviously, this would be a worrying prospect for stall holders and we would urge that they obtain public liability cover.

#### **COMMENT:**

The ideal scenario would be for John to have public liability insurance; with respect to which his insurer has named the Show Society as an insured under John's policy at least in this situation however the Tip Top Show Society has the benefit of the agreement signed by John with respect to his stall at the markets.

Again, Marsh can offer Market Stallholders Insurance.

#### **HALL FOR HIRE ON SHOWGROUNDS**

If the Show Society has on its grounds a hall for hire; the Show Society must ensure that every person or organisation which hires the hall signs an agreement with respect to the hire.

Even if the hall is hired out at no cost, the agreement should be signed by the person who is going to use the hall.

#### **PERSONAL ACCIDENT POLICY AVAILABLE FOR VOLUNTEERS**

If a volunteer for a Show Society sustains an injury in the course of their work for the Show Society, a claim can be made on the personal accident policy effected by the Queensland Chamber.

Please note however that the cover provided by the policy does not cover any of the volunteers "Medicare-related" expenses. This means that if the volunteer is required to attend a doctor as a result of the incident and the attendances are partly funded by Medicare those costs are not covered by the policy. This is not in fact a particular stricture of the policy but is in accordance with Commonwealth legislation which prohibits claims being made for Medicare-related expenses.