



FREQUENTLY ASKED (INSURANCE) QUESTIONS

(Updated 26.10.2009)

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

Yes. Approved (registered) guest members are covered whilst participating in sanctioned events.

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 the Insurance Coordinator in writing through your ATHRA Branch Secretary so that it can be approved.

Does Public Liability Insurance cover social members at club functions even though they will not have paid ATHRA membership?

ATHRA only has senior and junior membership. (The only exception being registered visitors) Only those members who have paid their prescribed ATHRA membership fee are covered by ATHRA's insurance policies.

Are our committee members covered?

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

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 a Named Party if required.

Is a professional instructor covered by our policies if providing instruction?

Yes, provided that they are not charging for their services. If they are charging for their services then that would become a commercial relationship and they would require their own insurances.

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-rides, however they must notify an office bearer of the club of the date/s beforehand and documentation noted.

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 so long as their name and delegated duties are documented on the Ride Register for the event.

Can a rider who has been a previous ATHRA member attend a club ride as a prospective member/visitor?

Yes providing they are listed on the Ride Register and pay the applicable ride fee. Past members are now considered the same as a "prospective member".

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.

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

Yes. Guest speakers are covered so long as the club or members do not pay them. If the guest speaker is paid they then must provide their own insurance coverage.

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 a prospective member, just like any other rider who is not an ATHRA member.

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.

What does your 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 clubs Ride Register together with their role for the day.

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.

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

Yes, ATHRA's insurance partner Affinity have structured a number of insurance components explicitly 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 778 to discuss your needs and obtain a quote.

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

No. Members are only covered when participating in official ATHRA/club authorised 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 – this 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 personal insurance as per item above)

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

No. Members under 5 years or over 80 years are not covered by personal insurance. However, they will be covered for public liability. (Note the 80 years of age is already an extension to what is generally available elsewhere.)

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, this is assuming that this navigating rider has been briefed by an ATHRA member on the requirements and aspects of the ATHRA Code of Conduct. Their name must be listed on the clubs Ride Register together with their role for the day.

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 nor 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, State or Club level.

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

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

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

Yes, so long as both groups abide by the guidelines set out in ATHRA's Code of Conduct. This includes lead/drag riders, trail stewards, first aid officer, communication devices, and Trail Boss etc for each group.

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.

If a rider is late for a ride, doesn't sign the ride 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. However, the club is obliged under ATHRA's conditions with the insurer to keep a record of all persons participating in the event. This does not mean that the rider is required to sign a register before riding. The basic requirement is for a responsible person to make sure that all participant names are listed for club records. Clubs can manage their own procedures for recording of their participants during ATHRA events.

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. The exception to this would be, should a court of law judge that the parent/guardian is negligent by not complying with either the current road laws (VIC & SA) and/or not complying with the ATHRA Code of Conduct. If this was the case then this may negate any compensation payable to the injured person from the ATHRA PLI.

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

If your ATHRA club organises and conducts an activity as per the ATHRA Code of Conduct and submits the proper documentation, more than likely the event will be covered.

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?

All events other than normal club Trail Ride are considered a "Special Event".

If the instructor is being remunerated, then it their responsibility to provide insurance coverage. If the instructor is not being remunerated and the event is conducted as per the operating version of ATHRA's Code of Conduct then insurance coverage would be extended to the event if the event were approved through the normal "Special Events" approval process.

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

The member would be covered by the personal accident policy but if a claim was to be made for compensation from ATHRA's PLI policy and our Code of Conduct shows that this type of footwear is inappropriate, it is likely that this claim would be invalid.

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 states: "4.3 At all times horses are the responsibility of their riders and as such, it is ATHRA's recommendation that horse's feet are adequately conditioned and/or shod to ensure the soundness and safety of the horse." 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.

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, the ATHRA Code of Conduct rules now state, "riding with a halter is only permitted where a rider has demonstrated effective control".

Do junior riders have to wear helmets?

The ATHRA Code of Conduct rules state that riders under 18 must wear approved helmets. In addition a parent or guardian must also accompany juniors under 16

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 approved event (ride) then 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.

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 policies.

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, authorised 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).

Can riders ride bareback?

It is not appropriate for a day ride. However, it would be appropriate for example, when swimming a horse during the course of a ride.

Can riders double?

Riding double is inappropriate for trail riding.

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).

What if my horse kicks?

Club should emphasise to all members that when riding horses in groups, the rider of the horse following is responsible for keeping his/her horse at a safe distance from the horse in front. Remember, all horses can kick at any time. ATHRA has provided clubs with Caution Stickers, they are encouraged to utilise these as appropriate.

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 permitted whilst mounted.

Visitors and Two-Ride Rule

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. Clause 7 of the Code of Conduct – Prospective Members - covers this further.

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 liable. Clubs that do not conform to the Code of Conduct may have their affiliation to the ATHRA Branch retracted, thus, leaving them open for personal liability claims.

When a rider participates in an ATHRA club Charity ride, does this count as one of their 2 rides?

Please refer to the Code of Conduct Page 6, item 7.1 Prospective members are allowed to attend two ATHRA affiliated one-day rides only and these rides are not to be a Charity Ride or a Special Event. This clearly states that "Charity Rides" are excluded from the two-ride rule for visitors.

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 an ATHRA member. The person should hold onto this receipt if attending rides with other clubs until they receive their ATHRA membership card.

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, 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 anymore than two club rides in total. Again, see Section 7 of the Code of Conduct for more information on this.

Are people who ride on the two trial rides before joining the club, covered by insurance (i.e., 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. Details of all non-member riders (visitors) must be recorded before the event takes place (i.e. name, address, phone).

General Enquiry

"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 instance (Thank goodness no one was injured) Lets say your nephew startled the horse, he got kicked and injured, the rider fell off and broke their arm or leg. The horse being startled caused damage to cars or property. (Not a nice scenario but I'm sure you'll agree something that could happen.)

The following is a likely scenario that could/would 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 would endeavour to recover those costs from the negligent party; This would likely be your brother or nephew. (I sincerely hope this never happens but???)

In all cases negligence needs to be proven.

Additional CLUB INFORMATION

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

ATHRA does not appoint life membership. If a club decides to appoint life membership to one of their members, the club must also accept the responsibility of paying ongoing club and ATHRA fees for that member.

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 other signs be erected where appropriate.

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, but must be available for auditing purposes at any time by ATHRA or the insurance company for a statutory period of 7 years.

Do we have to become an incorporated association to operate as a trail-riding club? If we are affiliated with a State Branch are we covered under those rules and don't have to be a separate incorporated body?

Affiliated clubs are not individually covered by ATHRA's incorporation, and ATHRA would strongly recommend that your club become 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 clubs committee members from litigation. Nothing can stop a person or a club being sued, what incorporation does is limit its liabilities to a small amount.

What is a sanctioned ride?

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

What is Duty of Care?

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

Why do I have to sign the Waiver form?

The Government and the insurance industry formed a group following the demise of FAI, a giant of the Insurance Industry. In order to satisfy the Insurance Industry, both the Government and Insurance Industry mandated a code of conduct 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 and Waiver have been developed to ensure the viability and continuity of our coverage and ATHRA.

Basically, the reason for the waiver is to offer some protection to ATHRA by having the members acknowledge that they are undertaking a potentially risky activity and to accept that they are responsible for their own actions.

Signing the waiver does not affect the right to make a claim on ATHRA's personal accident policy.

The waiver does not reduce the right of an individual to sue for a provable negligent act.

The waiver form needs to be signed by all members, either on their renewal or when they gain membership, or in the case of day riders ...before they ride out. The ATHRA Waiver form 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 broker.

Caveat

All answers are provided subject to the terms and conditions of the relevant insurance policy.