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## ANSWERS TO FREQUENTLY ASKED QUESTIONS

### 1. Is ATHRA covered when guests or visitors attend an ATHRA sanctioned activity?

Yes, ATHRA's public liability policy responds to any third-party claim of negligence against ATHRA at any sanctioned event, subject to the terms and conditions of the policy

### 2. Can guests be covered by ATHRA's Public Liability Insurance for their actions while attending a sanctioned ATHRA activity?

Yes, but any guest visiting rider would need to become a day member to be covered whilst participating in sanctioned activities and have their name recorded in the Attendance Register.

### 3. Are ATHRA and its affiliated clubs covered for social functions?

Yes, ATHRA's procedure is that if the social function is 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 likely to be required. One element of the planning will be to notify ATHRA's Insurance Coordinator by completing the Special Event Form so that it can be approved as a "Special Event".

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

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

Some clubs have their own social memberships but do not pay an ATHRA membership. These club social members are not covered by ATHRA's insurance policies.

### 5. What ATHRA insurance policies are in place for our committee members?

There are three main insurance policies in place for official position holders, committees and registered volunteers of all affiliated clubs as well as ATHRA administration position holders.

- Association Liability which insures liability arising against the committee in respect of acts, errors or omissions arising out of the operation of the committee;
- Voluntary workers, Personal Accident Cover; and
- Public liability.

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

ATHRA's Public liability policy is designed to cover the vicarious liability of any property owner of which an ATHRA sanctioned event is conducted on. This means that the property owner is protected against any claim due to the negligence of ATHRA, the ATHRA Club or an ATHRA member, subject to the terms and conditions of the policy.



The property owner can request a certificate of currency that will clearly state this. The ATHRA policy is not designed for the property owners' own negligence.

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

### Scenario 1 – Club running the clinic with a volunteer instructor and no fee is 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 volunteer trainer/Instructor, their signature and role as "trainer/instructor" are recorded in the Attendance Register.

The volunteer trainer/Instructor may be reimbursed for all reasonable out of pocket expenses such as travel, fuel, accommodation. If the Trainer or Instructor is paid directly by any participants, the trainer would require their own cover to be in place and a certificate of currency must be sighted and a special event form must be completed. (see Scenario 2 below).

### Scenario 2 - Club running the clinic and 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 Special Event 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.*

## 8. 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 in pre-rides, however the pre-ride must be sanctioned by the club. Refer to IMS-GU-020 Trail Ride Organisation Plan. As they are acting as volunteers/ride leaders in preparation for a sanctioned ride. All normal ride communication and first aid protocols must be in place along with a signed ride register

## 9. 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 ATHRA's insurance. If, however, the non-rider is carrying out official support activities for the club they are covered as volunteers by ATHRA's insurance provided their name and delegated duties are documented in the Ride Attendance Register for the event. They must be genuine volunteers.



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

Yes, provided: they produce a Day Membership certificate and they have signed a waiver relevant to the ride and sign the Ride Attendance Register. A past member is eligible to become a Day Member. Rule 9 of the Code of Conduct applies to Day Memberships and the two-ride rule applies. Day membership is available online at [www.athra.com.au](http://www.athra.com.au).

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

Only members are covered by the ATHRA insurance policies, as per any riding activity, if the children are members, then yes.

**12. 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 for them. If the guest speaker is paid, they are not covered and must provide their own insurance cover. Again, is this a special event process to ensure adequate coverage is provided.

**13. Are riders who are members of other horse organisations (i.e., pony club, endurance riders) covered by their own organisation when taking part in ATHRA affiliated rides?**

No, only members are covered by the ATHRA insurance policies, as per any riding activity. They would be required to take out a day membership to be eligible to be covered under the ATHRA members' policies.

**14. 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 requires that you obtain a certificate of currency that includes the business description that is relevant to the service that is being provided.)

**15. 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 assumes they have been fully briefed by an ATHRA Trail Boss or Ride Coordinator 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.

**16. 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. However, 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.

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 must decide whether you will be prepared to provide harness accessible rides or not and if so, prepare an appropriate risk management plan, inclusive of harness vehicles.

**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 also must be authorised by the club committee and/or noted in minutes.

**b) Public Liability Policy**

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

This benefit is an extension of the previous ATHRA liability coverage and now includes 24/7 members' public liability cover for your personal horse trail riding related activities. For example, 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.

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 regarding 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 (e.g. 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.
- Organised riding with 'pop up' groups that do not have insurance.

An excess will apply for each 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 insurance industry does not usually provide personal accident cover for persons under 5 years or over 75 years. ATHRA has negotiated to increase the limit to 80 years and created Child and Senior membership categories with lower fees to counter this.



**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 an ATHRA volunteer and is fully covered by the ATHRA policies. The navigator must be accompanied by the designated Lead Rider, who is solely responsible for the control and pace of the ride, the nominated Trail Boss has overall responsibility for the ride. The navigator 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.

It is expected that all clubs, in consultation with the navigator, ensure all potential risks have been considered. This process includes reviewing the planned ride to understand where the ride is going and ensuring normal risk controls are in place such as emergency response and first aid suitable for the area being ridden.

Navigators who are being paid must have their own insurance as they are not volunteers. If they are being paid, they are not covered by ATHRA insurance. A current liability policy must be provided to the club by the navigator. If larger group numbers are involved (ie: over 50) the special event process must be followed.

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

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

ATHRA's "Public Liability" policy starts when you arrive at the event and ends when you depart the ride.

"Association Liability" 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 have the ride recognized as a sanctioned ATHRA ride?**

Yes, provided the ride has been approved by the club's committee in writing and all members are advised of the ride details. In the event of a claim, you will be required to provide evidence of this approval.

**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 organising the parade. ATHRA's insurance program is only for events under the direct control of ATHRA organizers and clubs.

The Club can apply for a "Special Event" for ATHRA's participation in the parade which would include a risk assessment as part of the submission. If approved, members would be covered for ATHRA's participation in the parade.

**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 always obey all reasonable instructions from ride officials.

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 in fulfilling their obligations to the insurer to maintain accurate records of participants on 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 their 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 if 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 permission to ride in the non-compliant helmet may be held liable in the event of an accident.

**RISK Management questions**

**26. I noticed that it is recommended that horses be adequately shod for the rides. I ride my horse in Scoot 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 in their rides with your horse using some form of boot protection, however you would need to confirm this with the club you are riding with.

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

Rule 3.16 of the ATHRA Code of Conduct stipulates that the minimum required equipment required is a saddle with stirrups and girth, and appropriate head gear. (It excludes the use of bareback saddle pads of any design). A hackamore or headstall will only be regarded as appropriate head gear if the rider can demonstrate adequate and safe control.

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

Rule 3.26 of the Code of Conduct stipulates that riders under 18 years must wear a regulation helmet that complies with current Australian Standards or equivalent British, American or European Standards and is no more than 5 years old. When buying a helmet always check the date of manufacture as this determines the age of the helmet.

Rule 3.25 stipulates that a rider under 16 years shall always be accompanied and supervised by an adult.

**29. Is it OK to loan a horse to another member?**

This would need to be approved by the Trail Boss. All members participating at an ATHRA Club approved/sanctioned trail ride or event are covered by ATHRA's personal accident and public liability insurance. The 24/7 private member public liability cover applies only to horses under the direct control of the financial member, so in this case cover does not apply. Horses are not specifically covered under ATHRA's policies.

Rule 3.31 of the Code of Conduct stipulates that where a fee has been paid for the use of a horse, they MAY NOT be used at ATHRA sanctioned trail rides or events, including Education Days, Charity Rides and Special Events.

**30. 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.

**31. Are horse-drawn vehicles covered by ATHRA 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.

**32. Can riders ride bareback?**

No. ATHRA's Code of Conduct Rule 3.16 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.

**33. Can riders double?**

No. Riding double is inappropriate for trail riding.

**34. 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, double strand fencing is strongly recommended and a secondary method of restraint should also be used (i.e. paddock fence, hobbles).

**35. What if my horse is known to kick?**

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. To avoid potential danger, riders should always be aware of others in their vicinity, including other horses, riders and non-ride participants such as cyclists, hikers and vehicles.





Rule 3.13 - It is the responsibility of all riders to maintain control of their horse and to always keep them out of kicking distance of other horses and people. A rider must check behind and to the sides before moving laterally to ensure it is safe to do so.

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

### **36. 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.

### **DAY MEMBERS AND THE "TWO-RIDE RULE"**

#### **37. When does insurance cover start and finish for Day Members?**

Refer to FAQ 20 above. Provided the Day Member has a Day Membership Certificate for the ride they are attending, they are covered from the time they leave home until they return home from the event.

The travel time is capped at 12 hours for a single day event or 24 hours for an event held over two consecutive days. Day memberships are available online at [www.athra.com.au](http://www.athra.com.au).

#### **38. Why do we have a Two Ride Rule?**

ATHRA is a member-based organisation. The Two Ride Rule is in place for Day Members and only to encourage them to become full financial ATHRA members. Day members have the potential to pose a greater risk as they are unfamiliar with the Code of Conduct. Further information regarding Day Members is found at Rule 9 of the Code of Conduct.

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

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

#### **40. 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.

#### **41. 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 for ATHRA before the ride?**

With the introduction of online membership registrations, the new member may register online, even on the day of the ride if internet access is available. Failing that, the old membership registration/application process still currently applies, so the new member may complete an application form, sign the waiver, (parental consent form if applicable) and pay their fee on the day. Once payment is made (and receipted), the new member has full membership rights.





### **42. If a day member 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 (e.g., \$20.00-\$35.00) to actively encourage prospective members to become full members as soon as possible. The day member 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.

### **43. Are people who ride on the two trial rides before joining the club covered by insurance?**

Individuals riding as Day Members are fully covered by ATHRA's various policies on official ATHRA sanctioned events. Day memberships can be obtained online at [www.athra.com.au](http://www.athra.com.au). A Day Membership Certificate is issued to the Day Member, who must produce it to the relevant ride officials.

### **44. 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 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**

### **45. 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.



### **46. 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.

### **47. 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 our insurer. There is a legal requirement in Australia that such documentation be retained for a statutory period of 7 years.

### **48. 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, from being sued however incorporation minimises the club's financial liability.

### **49. 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.

### **50. 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.

### **51. 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 Affinity Insurance Brokers have worked together to minimise the impact on 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 where applicable the Parental Consent and Indemnity Form) will as a matter of course be signed during the online application membership application process, by simply ticking the relevant box/s. However, in any case where handwritten applications are made the relevant paper forms must be signed. Both forms should be retained by the club with the club records. Only the forms currently on the website may be used.”

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.

### **52. 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.