

AFL memo to clubs and branches

JUNE 2020

COVID-19 and the AFL National Risk Protection Program

Marsh is the insurance broker for the AFL National Risk Protection Program. Details of the cover that Marsh arranges on behalf of the AFL, the claims portal, certificates of currency and other important information can be found at <https://afl.jltsport.com.au/>.

Members and volunteers registered for the 2020 season are covered under the AFL National Risk Protection Program

Following ongoing communication from the Federal and State Governments regarding the current COVID-19 situation, we would like to provide you all with answers to some Frequently Asked Questions (FAQs) that we are receiving from clubs around the country.

If you have an enquiry that isn't covered in the information below, contact the Marsh Sport team on 1300 130 373 or on sport@marsh.com. We will endeavour to respond to all enquiries within a reasonable time-frame.



Frequently asked questions

Is the AFL National Risk Protection Program still operating?

The AFL Public Liability Policy component of the National Risk Protection Program is continuing to operate to provide cover to insured Leagues and Clubs during this period. Cover under the policy is always subject to the terms, conditions and exclusions of the policy wording.

One relevant condition of being covered by the Program is that Leagues/Clubs must take all reasonable precautions, and at their own expense, to prevent personal injury (this relevantly includes certain COVID-19 measures - see further below). Failure to do so could result in the level of cover for a claim being reduced by the insurer.

Accordingly, all League/Clubs must take reasonable precautions to prevent the spread of COVID-19, including but not limited to, following the advice and recommendations of Federal and State Governments and other statutory bodies, World Health Organisation and medical and other experts where appropriate.

The Personal Accident component of the National Risk Protection Program, which provides cover for footballing injuries sustained by participants, volunteers and other officials, does not provide any cover for sickness or illness. Cover is always subject to the terms, conditions and exclusions of the policy wording and the Trustee's discretion.

What insurances should Clubs maintain if the season is cut short?

This will need to be discussed further with all stakeholders as the situation evolves. However, regardless of whether seasons are completed in full or not, all Leagues/Clubs should maintain their Liability and Property covers for the full period to minimise potential exposures. Those covers, including Personal Accident cover for participants, have been in place since November 2019 to cover pre-season training, practice matches and other footballing activities to date. If seasons are significantly reduced or cancelled, consideration can be given to rebates on the costs of the Personal Accident cover.

What impact does COVID-19 have on our insurance coverage?

Public Liability for Clubs & Leagues

The Public Liability component of the National Risk Protection Program may respond to pandemic events if the Club/Association is found to have been negligent in, or legally liable for, failing to protect other persons/third parties from infection.

The wording of the coverage/operative clause under this policy reads as follows:

"Insurers will pay to or on behalf of the insured all sums that the insured becomes legally liable for Compensation in accordance with the law of the country for Personal Injury or Property Damage."

Coverage is further qualified by the relevant event happening:

- at first during the Period of Insurance
- within the Territorial Limits
- in connection with the Insured's Business or Products

The Policy does not have an Infectious Disease/COVID-19 Exclusion.

Cover under the Policy is always subject to the terms, conditions and exclusions of the policy wording. As stated above, it is important to note that there is a condition of cover in the Policy which imposes an obligation on the Club/Association to take all reasonable precautions to prevent injury, in this case infection.

Therefore, as stated above, the Club/Association must consider its risk response to COVID-19 and take all reasonable steps, at

their own expense, to prevent the spread of COVID-19, including following the advice, recommendations and rules of Federal and State Governments and Departments of Health. Failure to do so could result in the Club/Association having no cover under the Public Liability policy.

Management Liability for Clubs & Leagues

There is a Bodily Injury and Property Damage Exclusion under the AFL Management Liability policy, which states:

The Insurer shall not be liable for Loss arising out of, based upon, attributable to or in connection with bodily injury, sickness, disease, death or emotional distress of any person or loss of or damage to or destruction of any tangible property, including the loss of use of it.

This exclusion shall not apply to:

- Any Claim for Employment Practices Liability, Third Party Liability or defamation;*
- Directors & Officers Liability Section – Manager Fines & Penalties;*
- Directors & Officer Liability Section – Occupational Health & Safety;*
- Directors & Officers Liability Section – Regulatory Crisis Response.*

All other terms and conditions remain unchanged.

The cover available under the Management Liability policy will depend on the circumstances surrounding the matter, the allegations and how the claim is made in conjunction with the terms and conditions of the Policy.

Personal Accident Cover

As stated above, there is no cover under the Personal Accident component of the National Risk Protection Program for illness or sickness.

Cover is always subject to the terms, conditions and exclusions of the policy wording.

Asset Protect - Business Interruption

Marsh has received many enquiries as to whether the Asset Protect Industrial Special Risks (ISR) policy will cover the loss of revenue (business interruption) resulting from reduced operations due to COVID-19. ISR/Business insurance policies generally exclude claims arising from quarantinable diseases listed in Commonwealth Legislation, which now includes COVID-19.

This means that it is unlikely that any loss of revenue arising from COVID-19 will be covered under your Club's Asset Protect ISR policy.

This is not a position unique to the AFL's National Risk Protection Program, it is a standard policy exclusion across all business insurance policies in Australia.

Clubs are encouraged to review their policies and contact the Marsh team to discuss further.



General COVID-19 information

How can we minimise the potential spread of COVID-19 in our Club/Association?

- Follow the advice and recommendations of Federal and State Governments, the World Health Organisation, the AFL and medical & other experts;
- Put in place Club hygiene measures such as not sharing drink bottles, cleaning equipment after use, providing sanitary products (handwash, sanitizer etc) for use;
- Practising good hygiene and keeping your distance from others when you are sick is the best defence against most viruses. You should:
 - wash your hands frequently with soap and water, before and after eating, and after going to the toilet;
 - cover your cough and sneeze, dispose of tissues, and use alcohol-based hand sanitiser;
 - exercise social distancing (stay more than 1.5 metres from people);
 - exercise personal responsibility for social distancing measures;
 - if you are in the high-risk category or showing signs of illness, follow medical advice; and
 - do not participate in any Club activities.

The information contained in the materials is based on sources we believe reliable but we make no representation or warranty as to its accuracy. Any modelling, analytics, or projections are subject to inherent uncertainty, and may be materially affected if any underlying assumptions, conditions, information, or factors are inaccurate or incomplete or should change. Except as may be set out in an agreement between you and Marsh, Marsh is not required to update the information and shall have no liability to you or any other party arising out of the information. Marsh makes no representation or warranty concerning the application of policy wordings or the financial condition or solvency of insurers or re-insurers. Marsh makes no assurances regarding the availability, cost, or terms of insurance coverage.

Disclaimer: Marsh Advantage Insurance Pty Ltd (ABN 31 081 358 303, AFSL 238369) (“MAI”) arranges the general insurance (ie. not the Discretionary Trust Arrangement) and is not the insurer.

The Discretionary Trust Arrangement is issued by the Trustee, JLT Group Services Pty Ltd (ABN 26 004 485 214, AFSL 417964) (“JGS”). Any advice or dealing in relation to the Discretionary Trust Arrangement is provided by Jardine Lloyd Thompson Pty Ltd (ABN 69 009 098 864, AFSL 226 827) (“JLT”). JGS and JLT are part of the Marsh group of companies. The cover provided by the Discretionary Trust Arrangement is subject to the Trustee’s discretion and/or the relevant policy terms, conditions and exclusions.

Copyright © 2020 Marsh Advantage Insurance Pty Ltd. All rights reserved. LCPA 20/190. S20-0638

Those deemed most at risk of infection are:

- People with compromised immune systems
- Elderly people
- People with diagnosed chronic medical conditions
- People in group residential settings
- Those who have recently travelled overseas
- Those who have been in contact with someone who is known to have COVID-19

What if someone in the club has flu symptoms?

If you become unwell and think you may have symptoms of COVID-19, seek medical attention. Call ahead of time to book an appointment.

Tell your doctor about your symptoms, travel history and any recent close contact with someone who has COVID-19 and advise your coach or Club as soon as possible.

How do we stay up to date with changes?

The AFL and Marsh will endeavour to provide updates in respect of the National Risk Protection Program as government advice and circumstances change. These updates will be communicated on our website, social media pages and/or via email.

Please be assured that Marsh is designed for agile working and we do not expect any disruptions that would affect our ability to continue providing services. The Marsh Sport team are equipped with resources to continue working as normal during the period of COVID-19 restrictions.

Further information can also be sourced from the following expert organisations:

- **National Coronavirus Health Information Hotline:**
1800 020 080
- **Australian Government Department of Health:**
<https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert>
- **Australian Institute of Sport:**
<https://ais.gov.au/health-wellbeing/COVID-19>