

Sports insurance and cover relating to COVID-19

As the largest specialist sports and leisure insurance broker in Australia, V-Insurance understands the importance of insurance in providing financial security and protection for sports and leisure organisations and their participants.

The following points offer a very general commentary relating to Covid 19 matters and the four main insurance policies that form part of most sports and leisure insurance programs.

This includes Personal Accident, Public Liability, Professional Indemnity and Management/Association Liability insurances.

Personal Accident

Sports Personal Accident insurance only covers sporting injuries. It does not cover illnesses. Covid 19 is considered an illness. Therefore, a member, official or coach requiring medical treatment, ambulance services or quarantining due to Covid 19 type symptoms at a game, training session and/or official function is not covered by Personal Accident insurance.

Public Liability

Whilst there is no exclusion on Public Liability insurance policies relating to sickness and disease, insured entities and individuals have a duty to exercise reasonable care to prevent personal injury and property damage and to comply with all statutory obligations, by-laws or regulations which provide for the safety of other persons and property.

If for example, government restrictions are declared on sporting events or mass gatherings and you still sanctioned these activities, insurers may deny a claim for breaching this duty of care. The key point is to ensure that all training sessions and games comply with the Federal and State laws in place at the time. Providing sufficient hand sanitiser/wipes, ensuring the premises and equipment are cleaned frequently and adhering to social distancing requirements where possible, will also help in the defence of an allegation that someone contracted Covid 19 whilst involved in a sporting activity.

We believe that it would be very difficult for someone to hold an individual, official, player, club, association or venue responsible for contracting Covid 19. The claimant would need to establish the following;

- Covid 19 had been present at the venue and
- The claimant was at the venue at the time and
- The claimant did not contract Covid 19 anywhere else

If someone did make this allegation (even if they do not have sufficient proof) Liability insurance should provide indemnity (i.e. cover) so long as the insured has complied with Federal and State guidelines at the time.

Professional Indemnity/Errors and Omissions

This insurance mainly covers coaches and officials for their decisions and advice. The cover relating to Covid 19 matters under this insurance is the same as for Public Liability. As long as coaches and officials adhere to Federal and State guidelines then they will be covered for claims relating to Covid 19.

Management /Association Liability

A Management/Association Liability policy provides coverage for honest mistakes made by directors and officers involved in the management of the affairs of the organisation. However coverage would not extend to decisions made which are illegal or contravened a Government order. Fines and penalties would be covered on the basis that the wrongful act was not intentional, wilful, reckless or deliberate.

Please note that this advice is general in nature and does not take into account all individual circumstances and scenarios. Increased risk management should be a key consideration for everyone involved in sporting and leisure activities at this time.

Simple things to consider include;

- not sharing drink bottles and towels,
- not allowing anyone with cold and flu type symptoms to participate,
- utilising the Government's CovidSafe app,
- adhering to social distancing wherever possible.

Further information about the recommencement of sport in Australia can also be obtained via the Australian Institute of Sport (AIS). AIS have recently published a framework for rebooting sport in the Covid 19 environment.

Please do not hesitate to contact our office or myself personally, for any assistance.

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