



SCARBOROUGH JUNIOR CRICKET CLUB

TERMS AND CONDITIONS

(Updated July 2024)

Club management discussions and actions will act as a proven demonstration of the club's commitment to its duty of care in providing a safe environment for both members and guests.

CRICKET AUSTRALIA INSURER: Marsh Public Liability Insurance.

The Marsh Game Day Checklist is available as an app for both Android and iOS (iPhone, iPad). Users will be able to download it free from Google Play or the Apple App Store. This means that home teams playing at venues away from the club can complete the checklist on their phones or tablets. The checklist is designed specifically for use by club volunteers with no training required.

Purpose:

1. Helps to create a safe environment at your club for members and guests.
2. Identifies potential hazards that you can rectify.
3. Is a formal document that the club can use to prove its commitment to its duty of care. When do you use them? Before the first match of the day and again if the conditions change e.g. a lightning storm hits and the ground floods. Completing the Checklist Some people view the formal nature of signing a document relating to risk and insurance as formidable. This is simply not the case and if a reasonable attempt to identify risks has been made then no concern is warranted. It may be easier to understand using the example of broken glass on the ground of play.

Scenario 1: The ground is not checked, the checklist is not done and somebody gets hurt. Outcome The club may be found to have breached its duty of care and will be in a poor position to defend any litigation.

Scenario 2 The ground is checked and the checklist is done and signed but the glass is not found and somebody gets hurt. Outcome The club can show that reasonable care was taken to reduce risk but locating some shards of glass of a full cricket ground was beyond what was reasonably expected. The club is in a good position to show it has not breached its duty of care.

Scenario 3 The ground is checked, the glass is found but there is too much glass (e.g. 200 smashed bottles) to remove safely and is in a position that can't be roped off. Outcome It is then decided that playing cricket is too dangerous and the checklist is done and submitted but the situation and the alternate actions are listed. Play can only commence on an alternate ground and nobody gets hurt.

Scenario 4 The ground is checked, the glass removed but the checklist is not done or signed. Outcome The club has no record of what measures it took to uphold its duty of care. If a piece of glass is left on the ground and somebody gets hurt, the club may be found to have breached its duty of care.



Scenario 5 The ground is checked, the glass found and removed and the checklist is done and signed. Outcome Nobody gets hurt Who signs the Checklist? The home club is responsible for ensuring the venue is safe for members & guests. This responsibility isn't just confined to the playing surface of the oval. As such, an authorised member (18+ years old) of the home club needs to sign the Checklist. The visiting clubs players and entourage participate in the day's activities under the same conditions, therefore an authorised member of the visiting club needs to counter sign the form as a sign that they are content with the standard of safety at the venue.

NOTE: The laws of cricket state that it is the decision of the umpire to declare the start of play and part of this responsibility is to ensure the playing conditions are safe. This extends to the playing field and weather conditions and as such there is a space for umpires to sign the form, should a neutral umpire be appointed to the match. If the match is to be self umpired by the teams involved then a signatory is not required in this field.

PERSONAL ACCIDENT:*

This is the most used cover by cricketers throughout Australia. It covers three key areas including Non-Medicare Medical Benefits, Loss of Income Benefits and Capital Benefits. Non-Medicare Medical Benefits – as the name suggests it provides reimbursement for medical treatments that are not listed on the Medicare Benefits Schedule (please refer to Section 5). Loss of Income Benefits – provides reimbursement for an individual's income loss due to a cricket injury (to the coverage limits). Capital Benefits – provides lump sum payments for permanent injury such as paraplegia, quadriplegia, amputation, etc. resulting from a cricket injury.

** NOTE: The information provided above must be read in conjunction with the policy wordings, terms and conditions as provided on this web site and subsequent documentation. The above table provides a description of the policies, however, every club must be aware of what the limits of liability and maximum payouts are for each of these covers. It is recommended that clubs print the Summary document provided on the Home Page and distribute to players and members.*

NON-COVERAGE:

There are plenty of areas that are not covered by the National Risk Protection Programme. Some of these are not insurable, but Marsh can help you to assess your club's exposure. Not Covered Details Medicare Items By federal law – any medical treatment that is listed on the Medicare Benefits Schedule (MBS) is not insurable. If a player requires surgery, the surgeon fee, including the Medicare gap (the balance between the Medicare rebate and the fee) is not claimable through the Personal Injury cover. Spectators and Cars Whilst clubs may lodge a Public Liability Claim if a spectator or a car owner sues for compensation, the spectator and car owners are not covered by the National Programme. If a spectator is seeking compensation for injury or damage, they must seek individual advice on their own. Only the club may discuss insurance related matters with Marsh. Club Rooms, Contents and Equipment The club's assets (such as buildings, contents, stock, equipment, etc) are not insured through the National Programme.

**ASSET PROTECTION:**

is a property insurance policy that your club can access through Marsh and provides coverage for fire, theft and other risks to protect your club's property and assets.

Clubs can purchase this additional cover directly from Marsh.

Making a Personal Injury Claim If an injury occurs to one of your players or volunteers, please provide the following instructions:

1. Visit the Marsh Cricket website and read the General Information and Summary sheets.
2. Download the Personal Injury Claim Form.
3. Complete the Claim Form and submit it to Echelon* within 270 days from the date of injury (as soon after the injury is sustained is preferable).
4. Do not wait for treatment to cease before making a claim.

Making a Liability Claim If an incident occurs that may lead to legal action now or in the future, please follow the instructions below:

1. A serious injury or accident occurs, legal action threatened or solicitor's letter is received.
2. Please contact Marsh immediately (or within 48 hours).
3. Do not admit any responsibility or fault (liability).
4. Do not discuss the matter with any third party.
5. Await further instructions from Marsh claims staff.