

9. INSURANCE AND CLAIMS MANUAL

9.1 INTRODUCTION

The Anglican Diocese of Newcastle, along with all other Dioceses of Australia (except Sydney Diocese) and a significant number of Anglican entities are part of a national Anglican insurance program through ANIP and AON Risk Solutions.

The insurance cover provided includes:

- Industrial Special Risks (which covers Business Interruption Insurance)
- Professional Indemnity
- Public & Products Liability
- Management Liability
- Umbrella Liability
- 1st Excess Liability
- 2nd Excess Umbrella
- Hirers Liability
- Comprehensive Crime
- Comprehensive Motor Vehicle
- Contract Works
- Business Travel
- Voluntary Workers and
- Marine Transit.

Certificates of Currency for all Diocesan insurance policies can be found on the website, under *Tools for Parishes – Insurance*.

Duty of Disclosure

There is a duty of disclosure under the Insurance Contracts Act 1984 to disclose to our Insurers every matter that we know, or could reasonably be expected to know, which is relevant to the Insurers' decision whether to accept the risk of the insurance and, if so, on what terms.

We have the same duty to disclose such matters to the insurers before we renew, extend, vary or reinstate a contract of general insurance. We therefore request that any unusual features, which might increase the likelihood of a claim under the policy, be advised to the Diocesan Parish Services Section immediately they come to your attention.

Should a failure to comply with the duty of disclosure occur, our Insurers may be entitled to reduce their liability under the contract in respect of a claim or they may cancel the contract. If the non-disclosure is fraudulent, our Insurers may also have the option of avoiding the contract.

Duty to Advise the Diocese

It is also our duty to advise the Parish Services Section of any incident or event which may have occurred and may give rise to a future claim.

Similarly, dependent upon the severity and seriousness of the incident, it may need to be advised immediately to the Archdeacon. This will apply, if

- it is a reportable event under the Work Health and Safety Act,
- the police are involved,
- a personal incident is deemed to be of a serious nature requiring immediate medical attention.

Do not admit liability or disclose existence of insurance policy

Under no circumstances should anyone admit that the church is in any way liable for what may have happened, or that the incident was caused by some fault or negligence on the part of the church or any person. While caring for the person affected, negligence or liability must not be conveyed.

If anyone is hurt or injured on church property, or is hurt or injured because of anything to do with church activities, or if anyone suffers any loss of their property or damage to their property on church premises or because of church activities, it is expected that churchwardens or people in charge of the activity will do everything possible to be helpful, and to render assistance which is consistent with their responsibility as Christians.

Claim

Following an incident to enable the completion of a claim without delay, and to minimise the possible damage, it is important to take the following action:

- All reasonable steps should be taken following loss or damage to protect the property from any further damage.
- Any incident involving personal injury is attended to by first aid, ambulance, etc.
- Any loss by theft and/or wilful or malicious damage should be immediately advised to the nearest Police station.
- Report by telephone to Parish Services who will advise what further action is required.
- Make a photographic record.
- Within 14 days, submit a report in writing (using forms from the Work Health and Safety Policy 16.21.5 & 6) giving details of the incident, the loss or damage sustained and any other information relevant to a possible claim.
- Where authorised, pay the repairer's account and send a copy of the receipted account to the Diocese for reimbursement.
- Where a Loss Assessor is appointed, liaise with that person and provide all relevant information to the assessor.
- The Diocesan Office will submit the claim to the Insurer who will either approve or disallow the claim, or contact the Parish/Diocesan Entity for further details.

Please note:

- Regardless of whether or not a claim is pursued, the parish has encountered an ‘incident’ and therefore the ‘Incident and Hazard Report Form’ must be completed and returned to Parish Services.
- If it is decided to pursue a claim, both the “Incident and Hazard Report Form” and the “Property Insurance Claim Form” must be completed and returned to Parish Services.
- Any claim will be subject to an excess amount to be paid by the Parish of \$1,250.

Insurance Claim Guide

The Insurance and Claims Manual at Section 9.2 has been compiled to provide a broad outline of our Insurance Program and offers general information and assistance in understanding the various insurances.

Insurance matters are available on the Diocesan Website under Tools for Parishes – Insurance where the following may be found:

The Insurance and Claims Manual (Section 9.2)
Certificate of Currency for all policies (Section 9.3)
Insurance Claim Forms (Section 9.4)

The property insurance claim at Appendix A should be completed, noting the following:

1. The completion of the claims form does not constitute policy acceptance by the insurer.
2. Failure to notify a matter immediately after the event or after you become aware of the event may enable the insurer to reduce or avoid any liability incurred.
3. Please ensure all questions are answered in full and honestly. The form must be signed and dated.
4. If you do not believe a question is applicable, please write ‘n/a’.
5. Original hard copy records are required by the Insurer. Should you require them to be returned, please include written request advising same. Photocopies are not acceptable for audit reasons.
6. All communications with the Insurer and Aon should be marked ‘Private and Confidential’.
7. If anyone holds you responsible for their accident or injury, please insist that their claim must be in writing.
8. Do not admit liability to any claimant and do not disclose to the claimant the existence of any insurance may be in place.
9. If there is insufficient space or further comment on any area is considered necessary, please use additional pages.
10. Salvage remains the property of the insurer.

Any attachments will form part of this claim report and the declaration will include them.

The ACE Insurance Claim Form is to be completed and returned to Parish Services **only if it is ascertained the person intends to claim medical expenses and currently has receipts to be claimed.**

Record the incident no matter how trivial or minor – there could be delayed medical conditions.

Therefore

- Gather as much information on the incident as possible;
- Take statements from any witnesses
- Draw a diagram or take a photograph of the accident scene
- Report incident to Parish Services

Notes regarding claiming of medical expenses:

1. Reimbursement of any expenses claimed is for the assessment and decision of the insurer.
2. The insurer cannot reimburse Medicare expenses including any gaps in payments and Medicare reimbursement – it would be a breach of the Commonwealth Health Act if this were to occur. The insurer can reimburse non-Medicare expenses including any gaps between provider and health fund reimbursements.
3. Expenses for services such as Physiotherapist and Osteopath etc. may be claimable. If the injured person has private health insurance he/she will need to claim against the private health insurer in the first instance and any gaps after that may be paid.
4. If the injured person does not have private health insurance then he/she will need to provide a written statement to us stating that he/she does not have private health insurance.
5. You must send all claimable receipts and correspondence regarding this claim to Parish Services in the first instance. It is not acceptable for any treating doctor or practitioner to send accounts direct to the insurer.
6. Once receipts have been received they will be forwarded to the insurer for assessment and possible reimbursement.

Diocesan Insurance Contacts:

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