

Insurance FAQ July 2013

This Insurance FAQ is to try and answer some of the many questions that the new insurance policy has engendered. A number of significant changes to our indemnity and event membership policies and procedures are required as a result of the new insurance policy. The new policy is with a different company because this was the best deal the Board of SCA Ltd could find. The changes that we have to make now are not the result of changing insurers, they are a result of changes to the insurance system within Australia caused by changes to Australian Law that came in earlier this year. The changes below affect Australian members only and any SCA or affiliate member traveling in Australia.

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GENERAL INSURANCE QUESTIONS

Why do we call the insurance fee an Event membership?

We chose event membership because that is what our insurance broker and insurer calls it. We could have called it something else but the original decision was to keep it the same name as our cover note because that was consistent and people would be able to immediately see what we called it related to what the insurer calls it.

Did you look at other insurers before going with this one?

We used two different brokers to look at many different insurance companies. Those two brokers included our previous broker and AoN. Our current broker AoN was recommended to us by ALHF and a couple of other Metal Weapons groups. AoN and our previous broker both spent close to 12 months researching insurance companies for us. Of the companies that were researched only Lloyds and QBE were able to offer us the insurance that we needed at a comparative price to our old insurance. Of those only Lloyds was able to give us Equestrian insurance. QBE was able to give us everything but Equestrian Insurance but under the same conditions as Lloyds through AoN.

It was decided to go for Lloyds and to amalgamate all of our insurance products under one company because there was not sufficient difference between the two providers aside from the addition of Equestrian insurance. Initially we stayed with QBE and only used AoN and Lloyds for our Directors Insurance and for our Equestrian Insurance but when these same changes were going to be introduced by QBE a year earlier than they were with Lloyds we moved everything across to Lloyds through AoN because they offered us a more comprehensive deal.

Does the change in our insurance change our non-profit status?

No the change in our insurance and the GST paid on our insurance in no way affect our non-profit status.

How must groups pay Event Membership money?

This will be paid to the corporate account every quarter just like current Event Membership money.

What does the insurance actually cover?

SCA Ltd insurance cover notes can be found on the board website at <http://sca.org.au/board/index.php?page=governance>. Basically the policies cover participants against their damaging property or bystanders as a result of doing normal SCA activities.

The policy also covers the organisation for a number of crippling major incidents that could occur, for example above excess costs if we have an expensive tax investigation, loss of large amounts of money as a result of a crime (fidelity insurance), and the policy insures directors against poor decisions made with the best intentions and diligence, which ensures we get higher quality candidates for board positions, not only those who own no major assets (like a house which could be claimed in legal actions) or are unaware of the risks.

The insurance policy only covers anyone while they are following the SCA rules (including all marshalle and waiver rules), at SCA events which have been properly approved.

INDEMNITY CHANGES AND REQUIREMENTS

How will our current indemnity policy change?

There are three changes that will happen from September 1:

- 1. Our insurer has decided that indemnities must be done at all SCA events and activities.**
- 2. Six-month indemnities are no longer allowed. Everyone must sign a member sign in sheet or an indemnity at each and every SCA event or activity.**
- 3. Member without card indemnities are no longer allowed. Members who cannot prove they have a valid membership must sign non-member indemnities and pay an Event Membership.**

Why do we need to sign indemnities?

Our insurance company requires us to sign indemnities. It is a condition written into our insurance policy. The insurance agent is well aware that an individual cannot sign away their rights, however they can signify intent and acknowledge the danger of any activities that they are undertaking. Indemnities are requested to be part of our insurance process for this reason.

I have a one year membership do I need to renew my indemnity?

Yes, you do need to renew your indemnity. While your indemnity is less than a year old and therefore fits our insurer's requirements the constables have no way of knowing this when you sign in. Your card shows that an indemnity was signed but not when it was signed and the membership expiry date bears no relation to the indemnity expiry date because we have multi-year memberships which could have been taken out 2, 3 or 5 years ago and the indemnity is out of date once a year has passed.

I thought we were getting rid of members without card indemnity forms?

We are getting rid of them in the long term but we're retaining them as a temporary measure for members who can't prove a valid indemnity exists. Given all the changes involved with the insurance and membership fee structure it was felt changing the title of a form and making sure all groups had copies of the new form would take more time than we had to get ourselves properly covered under the new insurance rules. Eventually we will have the member without card form renamed to member without current indemnity and posted for all groups to use.

Will membership cards change to include the indemnity on the back as they were on the membership card that I have from 2002?

All cards that are issued in the future will have the indemnity expiry date on the front of the card. In the meantime all members will need to renew their indemnities via the membership services page and then print out and glue the indemnity information to the back of their cards.

THE NEW FEE STRUCTURE AND REQUIREMENTS

How much is the new Event Membership fee?

The Event Membership charge is \$5.00. This includes GST.

When does the new Event Membership charge start?

Collection of this money starts on the 1st of September 2012. We were given a grace period of two months in which to implement this change so that we could put appropriate processes in place.

What does the Event Membership entitle people to do?

Event Members can participate in everything at an event or activity exactly as a subscribing member would. They can participate in any marshalled activity they are authorised for. Event members can continue to do work such as constable shifts, marshalled activities and heralding so long as they have paid an Event Membership and are not required to act as an officer outside the event they are an Event Member for. So they can marshal on the field but not be marshal-in-charge since that would require reporting after the event.

If we have to charge \$5 for people just getting interested in the SCA it's going to drive them away. Can't we waive it for at least their first few events?

Please keep in mind when thinking about the \$5 per event membership fee this protects non-members from the same liabilities that members are protected from. In addition, the original requirement for this insurance was \$5 per day per event. So attending an event like Rowany Festival over 5 days (Thu-Mon), for example, would have cost \$25 not \$5 but we were able to negotiate a better outcome for non-members. It also becomes a selling point for taking out full membership because after your first 6 events/activities you're ahead if you're a member.

It should also be pointed out there is nothing stopping members sponsoring new people by doing a little private fundraising and using the funds raised to pay the \$5. Note: it can't be under the SCA's name otherwise it's income which means we have to pay GST and we aren't allowed use SCA funds to provide personal benefit to an individual.

Can we collect the Event Membership charge and then give people a subscribing membership once they've paid the equivalent of a subscribing membership?

No. We must pay our insurers for every occasion where indemnities and Event Memberships are required. Not paying this fee breaches our contract with the insurer. Back dating a subscribing membership to the first occasion a non-member attends could be found to be fraud.

Can the group pay the Event Membership to give newcomers a couple of free events?

No. Using SCA money to pay for memberships for individuals compromises our non-profit status.

APPLICABILITY OF THE NEW CHARGE

When does the Event Membership charge apply?

The new Event Membership charge applies to every SCA event and activity.

What about demos?

For the SCA in Australia demos count as events and so all of our participants must be subscribing members of SCA Ltd or Event Members who have signed indemnities and paid the Event Membership fee. For members of the public, they must sign indemnities and pay an Event Membership fee if (and only if) they participate in any SCA activity. Holding a sword to look at it is not participation, swinging that sword at a pell is participation. Holding a bow is not participation, drawing it is.

Do we have to charge the Event Membership for every day of a multi-day event or just once for the whole event?

Just once for the whole event. Originally we were requested to pay a Day Membership fee, which would have meant charging non-members for every day of a multi-day event. However with further negotiation this was changed to an Event Membership fee.

Who does this new Event Membership charge apply to?

Our insurance requires that SCA Ltd pay the insurer for everyone who is not a current subscribing member of SCA Ltd who is present at any SCA event or activity.

Do children need to pay the Event Membership?

Yes. All minors (of whatever age) as well as adults must have indemnities signed (by their parent or guardian) and pay the Event Membership fee at all events and activities unless they are current subscribing members of SCA Ltd.

What about free or "by donation" events?

Events can still be free or by donation for subscribing members of SCA Ltd. However, our insurers still require us to pay them for insuring any non-members present, therefore Event Membership fees must be collected at all events and activities even if there is no other charge for the event. The group can't pay for memberships from group funds as that compromises our non-profit status so groups can't cover the fee.

I can understand fighting needing insurance but why do such things as council meetings, A&S nights require indemnities and insurance fees?

The reason for this is that there is no way for a group to prove it had kept martial activities separate from a meeting, that children weren't using boffers or someone wasn't taping a sword (don't laugh we asked that one and were told it counts - and yes we did tell them what

our swords are made of). So we have to go with a blanket definition because to do otherwise would be a nightmare to manage.

Does a non-member who is present at a non-demo event have to pay the event membership if not participating in the event?

A person conducting their normal business within the venue of an event or meeting as they would when the SCA was absent (eg a tradesperson conducting work, a venue owner, a dog walker in a park) is not considered to be present at an event, as long as they do not do any actions other than their normal business. Under these conditions, no event membership is payable.

A key determining factor for non-participation is if the person would have been at the location regardless of if the event/activity were occurring. For example a number of SCA members may attend a fighter training, despite not being combatants, in order to socialise with other non-combatants. These people would not have been at the location if the fighter training were not occurring, so are participating in the event.

In a public place, a bystander who chanced upon a tournament could ask a few questions about what the SCA was at the edge of the event, but as they participated in the event more than a spectator would at a demo (for example swinging a sword, even at a pell), then they would need to sign in to the event and pay an insurance fee.

If a meeting was held in a private residence, another (not the SCA host) resident of the place who does not participate in the SCA might be able to wander into the room, chat with participants a little, but should not undertake any activities. The non-SCA resident would be at the location of the residence (their home) regardless of the SCA meeting.

Non-members who have attended SCA Ltd events before as members/event members will not be considered bystanders as they can be assumed to know enough about SCA rules to know an event membership is required.

OFFICIAL AND UNOFFICIAL EVENTS

What makes an event official?

SCA corpora section IIA states that "All Society events must be sponsored by branches of the Society, registered with the Seneschal of the sponsoring branch, publicised at least to the members of that branch, and conducted according to Society rules." So an event must be approved by the group seneschal and advertised to the group as an SCA event, and it must comply with all rules such as collection of indemnities, marshallate rules for fighting, etc. For further enquiries about the details of how this is administered, please contact the kingdom seneschal.

What about unofficial activities?

There are no unofficial SCA activities. If people choose to do things with their friends in their own time, they do not have to comply with any SCA rules, even if the things they do are SCA-like, but they must be careful to avoid giving the impression that what they are doing is SCA-sanctioned and these things will certainly not have SCA insurance cover.

How do we make sure an activity isn't considered official?

Before you do this be aware that by doing so the SCA's insurance will not cover you – no matter what. So if it is at someone's home then their home insurance will need to be checked to ensure that anything held there is covered. It is highly recommended that if you are hiring a hall or other facilities to do an SCA related activity in to do it as an official SCA event and get the insurance cover.

If you still wish to proceed with such an activity then you need to put the information out in such a way that the SCA's involvement is not stated, implied or suggested. So for example you're running a dance night you might advertise it as "I'm looking at practicing some Italian dances tonight anyone interested in joining me please let me know off list". If it is a regular activity you could advertise it in your groups newsletter in a section labelled "Activities/Merchants of interest to members" as long as it doesn't mention the SCA – e.g. Dance Practice 3rd Tuesday of the Month rather than SCA Dance Practice 3rd Tuesday of the Month.

Can we have an official meeting in one room while our friends have an unofficial practice in another room?

The SCA Ltd does not have unofficial events. If the event has been officially approved by the group seneschal, then it is an official event and requires insurance.

If the venue is hired by the SCA (or in any way uses the SCA name in order to hire the venue) then it all has to be covered by SCA insurance and therefore everything done on the site must be run by SCA rules. If, in the unlikely event something goes wrong for a third-party or damage is done to a venue, you would want the SCA Ltd's insurance to cover costs (instead of being liable for all costs associated with damage or injury or obtaining your own public liability insurance) then you need it to be an official event with waivers and \$5 from non-members.

To hold a practice adjacent to an official meeting/event/activity, or in the same time and place as a regular activity is normally held is likely to cause confusion and imply that the practice is part of the SCA meeting. If the activity could be very easily confused for an official SCA activity, then the activity must be run as an SCA event and comply with SCA rules.

If the official SCA activity is clearly separated from a private activity (e.g. an event followed by a member issuing an invitation to everyone present to “come back to my place for coffee”) then the private event will not be an SCA event and will not be covered by SCA Ltd insurance, and will not be able to use SCA assets (e.g. archery equipment, pavilions) except where borrowed under the same arrangements any group outside the SCA might make.

Can me and a few friends just practice combat in a park unofficially?

While SCA Ltd cannot regulate what members do on their own time, as long as no impression is given that this is an SCA event, and no SCA resources are used (ie SCA insurance or name is not used to hire a park), practicing combat in a public place could be a very bad idea for a number of reasons. Firstly, if a bystander is injured as a result of the combat practice, SCA insurance does not cover the combatants because it was not an official event, so the individuals could be sued for injuries.

Secondly, a number of members of the public can be quite concerned by the use of weapons in a public place, and there have been instances in the past of the public calling the police regarding an SCA event. Most explanations of what you were doing with weapons in the park involve using the name of the SCA, and thus your unofficial activities still reflect upon the reputation of the SCA. In some states actions which link weapons use with the SCA may severely endanger our ability to maintain an exemption that permits us to own certain weapons (even if these were not the weapons practiced with), such as swords, that would be illegal for general members of the public. SCA Ltd will not support members in negotiations with authorities regarding weapons usage at non-SCA events.

In other cases, members of the public have complained to venue hirer (i.e. the local council) about weapons use at an event. Where the local council has been forewarned that weapons use will occur at an event, and that safety standards are in place, they can reassure the public. For an unofficial event, where the hirer has not been informed, a stronger reaction is likely, and the SCA may find it difficult to hire the park for legitimate events in the future as the result of complaints about what a few of its members did on their own time.

In the light of the above, the SCA Ltd strongly advises it's members when considering private actions of practicing weapons in a park to take care in ensuring that their actions are clearly not linked to the SCA, remember that no insurance coverage will be available, and advises that no activities are undertaken where the event/activity might impact upon the SCA.

INTERNATIONAL AND AFFILIATED MEMBERS

What about members of SCANZ, SKA, SCA Inc and any other affiliated SCA groups?

Our insurance is Australia specific and only members of SCA Ltd are automatically covered. Members of our affiliate organisations must be covered individually. Our affiliation agreements require that we recognise membership in these affiliate organisations and provide insurance so SCA Ltd will cover the insurance fees for these members. Members of affiliate organisations must still sign Australian non-member indemnities at every SCA event and activity in Australia.

How will this system work?

Gate staff must require members of affiliate organisations to sign the existing non-member indemnities. Please mark such indemnities with a large "A" in the margin to make them easy to spot. When summarising numbers at events, gate staff should list affiliate members (split into adult and minor) as separate categories to members (adult and minor) and other non-members (adult and minor). These numbers will be reported to SCA Ltd by your group's Reeve when they pay the group's Event Memberships each quarter. Gate staff do NOT collect the Event Membership fee from affiliate members.

COLLEGES

What about College Members?

University club membership is NOT equivalent to SCA Ltd membership. People who participate in SCA colleges must still sign indemnities and pay Event Memberships at all SCA events and activities unless they are also current subscribing members of SCA Ltd.

Why doesn't SCA Ltd pay for them like they will for affiliate members?

- 1. Members of our affiliate organisations are still paid-up subscribing members of the SCA, university club members are not.**
- 2. We estimate that there are 500 university club members in Australia, half again our subscribing members. Of those, we estimate that only 100 participate in the SCA regularly.**
To cover this many complimentary subscribing memberships or to pay the Event Membership for this many people would require doubling our subscribing membership cost and throw an unreasonable burden onto our subscribing members.

What about College events?

University clubs may, of course, run university club events and activities under university rules and insurance. The SCA has no involvement with those and SCA rules and SCA insurance do not apply to them. Note that university club insurance may not extend to people who are not members of the university club and specific approval may be required to get university club insurance for some events and activities, especially if they occur off-campus. That may vary from university to university as they may all have different insurance policies.

SCA College groups running SCA events or activities must comply with all SCA rules for College groups. They must meet the Corpora requirements for being a College, including having the required number of subscribing SCA Ltd members and having all the required officers being subscribing members of SCA Ltd. They must also collect indemnities, collect Event Membership fees, and report on and pay GST.

Colleges operating under university administration rules may run an event as an SCA Ltd event by running the event under the sponsorship of an SCA Ltd branch and complying with all the requirements of this as listed above. The sponsoring group must be fully aware of the event bid and have full financial and compliance oversight as for an event run by the sponsoring group. Such a circumstance may include a kingdom event, an event using the SCA Ltd insurance policy, or an event which does not comply with university requirements (eg percentage of student attendees expected) but will comply with SCA Ltd requirements.

University Clubs that don't meet the requirements to be SCA Colleges may still run SCA events and activities in the same way that guilds, households and incipient groups do - through a sponsoring group. The event will officially be an event of the sponsoring group and the sponsoring group must be fully aware of the event bid and have full financial and compliance oversight as for every other event that group is responsible for.

So, can we run SCA activities on university grounds through a College to avoid paying the Event Membership fee?

No. Events and activities are either university club events and activities, run under university

club rules and insurance, or they are SCA events and activities, run under SCA rules and insurance. You cannot advertise university club activities as SCA activities or vice versa.

Does this mean College events are now also liable for Kingdom Levy?

No. College run events are still exempt from Kingdom Levy. This is a decision the Kingdom can make, the other changes are required by real world authorities.